

Report on the Draft *Occupational Health and Safety Regulations*

Volume 2

Consultation Report on the proposed *Occupational Health and Safety Regulations*

Prepared by the Safety Advisory Committee

Northwest Territories and Nunavut

December 2011

Disclaimer

The contents of this volume do not reflect the views of the Workers' Safety and Compensation Commission or the Governments of the Northwest Territories and Nunavut. They are the views of the Safety Advisory Committee. One should not construe anything in this volume as legal advice, a legal opinion or an authoritative interpretation of any enactment or prospective enactment. Its intention is to report to stakeholders on the consultation on the proposed *Occupational Health and Safety Regulations*.

Abstract

From September 2010 to March 2011 the Safety Advisory Committee carried out a public consultation on the proposed *Occupational Health and Safety Regulations*. This volume is the second of three volumes to report on the consultation. Volume 1 was issued in September 2011. Forty-eight stakeholders provided approximately seven hundred and fifty comments. This volume lists all comments received from stakeholders and provides the Committee's response.

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PART ONE

I. Introduction

This is the second volume in a series of three, which make up the report of the Safety Advisory Committee of the Northwest Territories and Nunavut. It includes all comments received, and the Committee's analysis and revisions to the draft regulations made by the committee.

The first volume was a digest that summarized comments from and responses to stakeholders by the Safety Advisory Committee in respect of the most commented sections of the draft regulations. Revisions were made to the draft based on the Committee's analysis of the comments. The first volume also provided information on the development of the proposed regulations, the consultation process, the legislative framework and the theoretical model used by the Committee.

This second volume is organized into three parts:

- Part One:** Provides general information on the revision and methodology of this volume. It also discusses questions and concerns raised by multiple stakeholders.
- Part Two:** Provides the Committee's analysis of general stakeholder comments not linked to any particular section of the draft. The general comments are organized along nine common themes.
- Part Three:** Consists of a table outlining the consultation draft, revised draft, and all of the stakeholder comments with the corresponding committee analysis. Following the table is a description of the changes, additions and omissions to the schedules.

II. Roles and Responsibilities

The Ministers are responsible for the administration of the *Safety Act* in each of their respective jurisdictions. The Ministers, under section 26 of each *Safety Act* are required to establish the Safety Advisory Committee. This Committee comprises the following:

- The Chief Safety Officer as chairperson of the Safety Advisory Committee;
- Three members, whom the Ministers consider as representing the interests of workers;
- Three members, whom the Ministers consider as representing the interests of employers;
- Other members, as the Ministers consider it advisable to appoint.

The role of the Safety Advisory Committee is to make recommendations to the Ministers respecting amendments to the *Safety Act* and the regulations.

The current Safety Advisory Committee includes members from the Northwest Territories and Nunavut and represents the interests of workers and employers, ranging from small business, construction, and industry through to health care, organized labour, government, and emergency services.

The Safety Advisory Committee is composed as follows:

Chairperson: **Judy Kainz**, Chief Safety Officer

Members:

Imo Adla, Manager, Department of Human Resources, Government of Nunavut (NU)

Sonja Boucher, RN, Stanton Territorial Health Authority (NT)

Mary Lou Cherwaty, President, Northern Territories Federation of Labour (NT/NU)

Adam Chubbs, Senior Electrical Technologist, Qulliq Energy Corporation (NU)

Stephen Moss, Fire Marshall, Department of Municipal and Community (NT)

Jack Rowe, President, Rowe's Construction (NT)

Clarence Synard, Construction Manager, NCC Development Ltd. (NU)

Additional Support and Advisors:

Bruce Graney, Senior Safety Officer, WSCC

Ann McIntosh, Legislative Counsel, Department of Justice (NU)

Ian Rennie, Legislative Counsel, Department of Justice (NT)

Charlotte van Schalkwyk, Codes of Practice Advisor, WSCC

The Workers' Safety and Compensation Commission (WSCC) provides support services to the Safety Advisory Committee. Administrative and technical support is provided through clerical assistance and access to technical and program resources.

III. Stakeholders

Table 1 - List of Stakeholders who Provided Feedback During the Consultation

Stakeholder	Stakeholder
Arctic Co-operatives Limited	North Country Gold Corp
Arctic Sunwest Charters	Northern Air Transport Association (NATA)
Baffinland Iron Mines Corporation	Northern Property REIT & NPR Commercial Property
Buffalo Air Express	Northland Utilities
Buffalo Airways Ltd.	Northwest Territories and Nunavut Construction Association
Canadian Autoworkers Union	Northwest Territories Power Corporation (NTPC)
Canadian Federation of Independent Business	Nuna Group of Companies
City of Yellowknife	NWT Chamber of Commerce
City of Yellowknife Fire Division	Polar Developments Ltd.
Consulting Engineers of the NWT	Polar Painting Ltd.
Enbridge Pipelines (NW) Inc.	Public Service Alliance of Canada North Region and the Union of Northern Workers (NWT-NU)
Fire Prevention Services Ltd.	Qikiqtaaluk Corporation
GNWT (Department of Human Resources and on behalf of other Departments)	Qulliq Energy Corporation
Government of Nunavut (Department of Health and Social Services)	Reliable Group of Companies
Government of Nunavut (Department of Human Resources and on behalf of other Departments)	Ron's Auto Service Ltd.
High Engineering Corp.	RTL Robinson Enterprises Ltd.
Hope Bay Mining Ltd. (Newmont North America)	St. John Ambulance NWT MB NU
Imperial Oil Resources/Exxon Mobil	Starfield Resources Inc.
Kingland Ford Sales Ltd.	Stornoway Diamond Corporation
Malcolm and Associates (David G. Malcolm, Ph.D., P.Eng., CMC)	Torque'm Right Mechanical
Manitoba Regional Council of Carpenters, Lathers, Millwrights and Allied workers	Tundra Transfer Ltd.
Mid Arctic Transportation Co. Ltd. (MATCO)	United Steelworkers
Nasittuq Corporation	Workers Safety and Compensation Commission
New Nadina Explorations Limited	Workers Safety and Compensation Commission (Mine Health and Safety)

Stakeholders who provided comments are listed in Table 1 above. The Safety Advisory Committee decided the stakeholders should not be identified with the comments they made, in order to respect their privacy. The level of stakeholders' participation was helpful to the Committee and open exchange in the public interest should be protected. The comments were edited to achieve anonymity.

Other than editing for anonymity, very little editing was made to the stakeholder comments. In some cases, the Committee was not certain what was meant by a stakeholder comment. Square brackets [...] were used to indicate when wording was modified or added to show what the Committee understood the comment to mean.

IV. Revision

The Committee has taken steps to ensure that errors are detected and corrected. It is possible that there are still spelling and grammatical errors, or omitted comments and other errors. If an error or omission is noted in this volume, please let the office of the Chief Safety Officer know so that the Committee can make necessary corrections.

In the 2010 consultation draft, an effort was made to avoid the use of algebraic formulas. This approach is no longer effective. Formulas had to be used in Part 23, Radiation in respect of exposure limits. Not all of the formula notation is explained as it is commonly understood by those in industry.

The second column in Part Three of this volume is the latest revision of the draft regulations. This will not be the final version produced in Volume 3 as the latest revision still requires further editing and section renumbering.

V. Methodology

Consultation on the proposed *Occupational Health and Safety Regulations* took place from September 2010 to March 2011. Comments were provided by stakeholders and ranged in nature from general to highly technical. All comments were recorded, reviewed and analysed by the Safety Advisory Committee after March 2011. The review was carried out in face-to-face meetings, by telephone and by teleconference. Decisions to modify the draft were made by consensus.

The Committee was guided in its preparation of this volume and its review of stakeholder comments by the following principles:

- The Internal Responsibility System (IRS) is central to OHS at a work site
- Avoid interfering with subject matter governed by legislation other than the *Safety Act*
- Where appropriate, consider compatibility with legislation of other Canadian jurisdictions
- Effective OHS programs should require minimal intervention by the Chief Safety Officer

VI. Stakeholder Questions and Concerns

Questions and concerns on the following subjects were raised by many stakeholders .

Education and Training

Questions on education and training requirements for workers were raised by stakeholders in the consultation draft. All occupational health and safety (OHS) education and training has the goal of creating a safe work environment, but it is useful to differentiate between education and training.

- Education provides general information
 - Education brings awareness of OHS concerns and fosters a safety culture
 - For instance, the WSCC courses on the Workplace Hazardous Materials Information System (WHMIS) give workers and employers general information on hazardous materials.
- Training is job-specific and task-specific instruction
 - Dealing with any complex equipment and/or systems requires specific training
 - For instance, when operating equipment like a forklift, grader or jackhammer, or setting up fall protection or confined space entry, workers deal with significant hazards that require specific training and orientation on the job.

The *Safety Act* requires employers to maintain occupational health and safety at work sites and to carry out the processes needed to ensure the health and safety of all workers, such as training, in accordance with the regulations.

As part of the WSCC mission to promote workplace safety, the WSCC offers a variety of safety education courses to employers and workers. The Committee has recommended that additional courses on the regulations be developed for and provided to workers by the WSCC. Training, because it is job-specific, must generally be provided by the employers, to ensure that the training meets the needs of their workers. Many industry or trade and professional associations create and provide training programs to meet the requirements of particular industries or organizations.

Legislation

Many stakeholders expressed concerns that some provisions of the draft regulations were in conflict with other federal and territorial legislation.

Work sites that fall under the jurisdiction of the Government of Canada are governed by federal law, not territorial law. Generally aviation, shipping, the RCMP, the Canadian Armed Forces and many other work sites fall under federal jurisdiction. The proposed OHS regulations will not apply to these work sites: they are subject to federal occupational health and safety legislation.

The *Safety Act* and the proposed regulations work in complementary fashion with other territorial statutes and regulations. Other statutes may deal with work site issues, but not in the way the *Safety Act* requires. Employment and labour standards, fire prevention, public health and sanitation, hospital administration and professional engineering, are all areas that are governed by other statutes and regulations. They may also contain aspects that affect a work site, but the *Safety Act* is the primary

statute dealing with occupational health and safety at such work sites. There is only one territorial statute that deals with health and safety for a specific class of workers independent of the *Safety Act*, and that is the *Mine Health and Safety Act*.

All statutes are to be read and applied as being consistent with one another, and not in conflict. They work in a complementary manner. Statutes also set their own jurisdictional limits: the *Occupational Health and Safety Regulations* must be drafted within the limits of the *Safety Act*.

Metric versus Imperial Measurements

Questions were asked about the use of metric and imperial measurements.

In Canada, the metric system has been the official system of measurement since 1973, when it replaced the Imperial system which had been the official system of measurement since 1824. Constitutionally, jurisdiction over weights and measures is a federal power and under the control of the Government of Canada. The *Weights and Measures Act*, R.S.C., 1985, c. W-6 and its regulations, govern weights and measurements used in Canada. That Act adopted the metric system.

The United States, Canada's largest trading partner, has not adopted the metric system. It uses a variant of the Imperial System called "customary units". Customary units are commonly used in parallel with metric units by Canadian industries that have significant business dealings with American partners.

These regulations use metric units, not customary units. Using two systems of measurement in legislation would increase the likelihood of conversion errors.

“Reasonably Practicable”

A number of stakeholders expressed concern that the use of the terms “reasonably practicable” and “reasonably possible” was ambiguous. The use of "reasonably practicable" and "reasonably possible" is acceptable and commonplace in legislation across Canada. These terms allow flexibility in determining what is necessary under the circumstances to meet the legislated requirements. Human Resources and Skills Development Canada (HRSDC) guidelines (<http://www.hrsdc.gc.ca/eng/labour/ipg/057.shtml>) give the following explanation:

In *Black's Law Dictionary* the word practicable is defined as "that which is performable, feasible, possible" The synonyms "rational", "equitable", "fair" and "suitable" are suggested for the word reasonable. These relative terms indicate that factors other than the ability to produce a given result may be considered when a decision concerning what is "reasonably practicable" is taken. Thus, while practicable implies that which is feasible, the term "reasonably practicable" limits the precautions to be taken to those that are not only possible but that are also suitable or rational, given the particular situation.

Determining what is reasonably practicable should be done on a case by case basis. What constitutes a reasonably practicable measure in one case may not be sufficient to meet the obligation in another.

Criteria to be considered may include:

- The feasibility of complying - will it have an effect on the existing work structure?

- Is compliance reasonable - to what degree will it have an effect on other existing jobs or positions?
- The impact of compliance - will it cause undue hardship? Are significant costs involved? Will it require the creation of work or a new job position? Will it result in financial cost? Will it disrupt co-workers or arrangements established under collective agreements?
- The degree of risk - will the sacrifice involved, in effort, time and cost, significantly outweigh the benefit?

Standards and Codes

A number of stakeholders were concerned about the lack of references to standards and codes (quasi-legislation) in the consultation draft. Standards and codes are quasi-legislative, representing industry best practices that typically exceed the minimum requirements set out in the regulations. To include this level of detail in the regulations would be overly prescriptive and add considerably to the size of the regulations.

The effect of standards and the codes of practice is identified in section 22.1 of the *Safety Act*. Standards and codes are not part of the regulations. Since codes and standards are quasi-legislative, they have no legal effect. If formally adopted pursuant to section 18 of the Act, codes of practice are admissible as evidence in the course of a prosecution.

Generally a court considers a referenced code or standard to determine if a decision-maker took into account relevant factors in reaching a decision. Conformity to a code may also be accepted as evidence of safe practices by an employer or worker, even if an accident or injury occurred.

The effect of standards and codes at law is a specialized area. For additional information see: *Key Considerations in the Development and Use of Standards in Legislative Instruments Understanding the Partnership of the Regulatory and Voluntary Standards Systems* (National Standards Council of Canada, December 2006) at: <http://www.scc.ca/edocs/brochures/>.

VII. Next Steps

The Safety Advisory Committee reviewed all stakeholder comments received from September 2010 to March 2011. Responses by stakeholders ranged from general comments to highly technical remarks. The review of comments and remarks resulted in revisions to the proposed regulations. These revisions are contained in the second column of the table in Part Three. The third column of that table includes the Committee's analysis and response to the comments and reasoning about the proposed revisions. Volume 3 will be issued in late January 2012 and will contain the final draft of the regulations, and the Committee's recommendations to the Ministers.

Glossary

ACM	Asbestos Containing Materials
ACGIH	American Conference of Governmental Industrial Hygienists
ANSI	American National Standards Institute
ATIPPA	<i>Access to Information and Protection of Privacy Act</i>
ATV	All-terrain vehicle
CAS	Chemical Abstracts Service (i.e. CAS Registry Number)
CCOHS	Canadian Centre for Occupational Health and Safety
CEC	Canadian Electrical Code
CO	Carbon Monoxide
CSA	Canadian Standards Association
CSO	Chief Safety Officer
DOT	Department of Transportation (GNWT)
DRDC	Defence Research and Development Canada (Toronto)
EMF	Electromagnetic Field
EUA	<i>Explosives Use Act</i>
GN	Government of Nunavut
GNWT	Government of the Northwest Territories
GSRs	<i>General Safety Regulations</i>
HHCFSRs	<i>Hospital and Health Care Facility Standards Regulations</i>
HIHSSA	<i>Hospital Insurance and Health and Social Services Administration Act</i>
HRSDC	Human Resources and Skills Development Canada
ILO	International Labour Organization
IQ	Iqaluit
IRS	Internal Responsibility System
ISO	International Standards Organization
LOA	Limits of Approach
MHSRs	<i>Mine Health and Safety Regulations</i>
MVA	<i>Motor Vehicles Act</i>
NFPA	National Fire Protection Association
NT	Northwest Territories
NU	Nunavut
NWT	Northwest Territories
OHS	Occupational Health and Safety
OHS Committee	Joint Work Site Health and Safety Committee (established under section 7 of the Act)
OSHA	Occupational Safety and Health Administration (USA)
PASS	Personal Alert Safety System (for firefighters)
PFAS	Personal Fall Arrest System
PME	Powered Mobile Equipment
PPE	Personal Protective Equipment
RCMP	Royal Canadian Mounted Police
RN	Registered Nurse

SAC	Safety Advisory Committee
SAE	Society of Automobile Engineers
SOGs	Standard Operating Guidelines
SOPs	Standard Operating Procedures
TCP	Traffic Control Plan
TLV	Threshold Limit Values
UTS	Ultimate Tensile Strength
UV	Ultraviolet
WHMIS	Workplace Hazardous Materials Information System
WSCC	Workers' Safety and Compensation Commission
YK	Yellowknife
YKFD	Yellowknife Fire Department

PART TWO

General Stakeholder Comments not Linked to any Particular Section of the Draft Regulations

This Part outlines general stakeholder comments that were not specific to one section. The comments are arranged into nine common themes.

1. Applicability to NT and NU
2. Consultation and Safety Advisory Committee
3. Duties and Responsibilities
4. Legislative Competence
5. Length, language and Complexity of Document
6. OHS Committees
7. Protection of Privacy
8. Standards and Codes of Practice
9. Other Comments

1. Applicability to NT and NU

Stakeholder Comments	Committee's Analysis & Response
<p>Stakeholders: “We are aware that WSCC is trying to develop a document that may be suitable across both territories; however the committee and board both feel that certain new provisions are not applicable to Nunavut in any way and should not be cluttering up the Nunavut version of the Regulations. These new sections are:</p> <ul style="list-style-type: none"> ○ Robotics (There is no manufacturing let alone any business involving Robotics) ○ Details on Diving (There are no commercial diving operations in Nunavut) ○ Forestry and Mill Operations (Nunavut does not have trees)” <p>Variations and deviations should be considered for NU where the regulations are not always applicable in NU</p>	<p><u>Committee:</u> The application of Parts of the regulation may not always be apparent.</p> <ul style="list-style-type: none"> ○ Robotics includes the use of computer aided manufacturing devices (CAD/CAM), used in the making of custom-machined parts and circuit boards. Some of these may exist in schools or colleges, not just in manufacturing facilities. ○ There are, or have been diving operations in Nunavut, and may be more in relation to developments that require construction of pilings underwater, or in connection with research activities. ○ The lack of large trees in Nunavut does not preclude the existence of some mill operations. <p>A variance is not needed. If areas of Nunavut or the Northwest Territories have no forestry or mill operations, robots or diving, then the provisions of these regulations that address such matters will not have application.</p>
<p><u>Stakeholders:</u> What is appropriate in SK may not be appropriate elsewhere (and in particular in NU)</p>	<p><u>Committee:</u> The Saskatchewan regulations were used as a model due to the similarities of legislation in both jurisdictions. An effort was made to keep the Saskatchewan wording where possible. The Committee was mindful of the unique demands of the</p>

	North and carefully considered the appropriateness of the provisions. The draft regulations are not identical to those of Saskatchewan and in some places are significantly different.
<p><u>Stakeholders:</u> We firmly believe the draft Regulations, as written, are not practical in a number of areas and need to be revisited. We urge you to work with business and industry to develop regulations that not only will protect workers, but protect jobs and the provision of northern services as well.</p>	<p><u>Committee:</u> The comments of stakeholders are considered carefully. A number of areas have been revised after consideration of the comments.</p>
<p><u>Stakeholders:</u> The Regulations must be workable within our operational realities.</p>	<p><u>Committee:</u> The Committee agrees and used this as a design criterion. It notes that a balance must be struck between what can be realized and OHS safety - a balance that must be in compliance with the Act.</p>

2. Consultation and Safety Advisory Committee

Stakeholder Comments	Committee's Analysis & Response
<p><u>Stakeholders:</u> Inadequate public consultation in the preparation and drafting of these draft Regulations. Stakeholder acknowledges the extension of the time period for receipt of public comment, but remains concerned that this acknowledgment of the need for additional review by the public comes too late in the process for meaningful change to occur.</p> <p>Deeply dismayed that the consultation period is relatively short.</p>	<p><u>Committee:</u> Consultation is important for the redrafting of the regulations as demonstrated by the process. Valuable input was gained from stakeholders that led to meaningful changes in the document. Consultation is also an inherent part of the regulatory partnering model on which these regulations are patterned.</p> <p>Even though public consultation is not required under the Act, the Committee was of the view that consultation should take place.</p> <p>The preparation of a consultation draft was considered to be an efficient way to start a consultation rather than starting with no draft.</p> <p>Stakeholder interest was high and therefore consultation was extended twice to ensure that stakeholders had adequate input.</p>
<p><u>Stakeholders:</u> [We] have not been allowed to participate in any meaningful way in the review process that led to the proposed Regulations. Industry sector consultations during the draft formation period have not included suitable or acceptable industry representation. Further no process was implemented to ensure that advisory committee members would provide information and obtain feedback from the industry represented throughout the drafting and revision process. Further attendance by some key industry representatives was sporadic at best, leaving large industry sectors without a voice on the advisory committee.</p>	<p><u>Committee:</u> The consultation and consideration of the comments provided by stakeholders is a way of participation in a reviewing process of the draft regulations. This process ensures that advisory committee members obtain feedback from industry and stakeholders before the Committee makes any recommendation to the Ministers..</p> <p>The Committee does not appoint its own members. Appointments are at the discretion of the Minister under each of the NT and NU Acts.</p> <p>The Committee is established under section 26 of the</p>

<p>The utilities industry as a whole was not adequately represented on the advisory committee. This lack of representation is reflected in the proposed Regulations and while public comment is now being gathered, this comment relates to a document created through a flawed drafting process.</p>	<p><i>Safety Act</i>. The Committee is not set up only for representation of certain industrial sectors (over others).</p> <p>The Acts require that there be equal representation in respect of workers and employers. There is also equal representation by NT and NU. Members of the Committee are representative of different sectors of the workforce, e.g. healthcare, construction, government, emergency services, with a wide assortment of work. An additional member of the Committee was appointed during the consultation period to give additional representation to small businesses.</p> <p>Members of the Committee are volunteers and have other commitments. Neither the chairperson nor the Committee are of the view that any non-attendance by any member created an issue of concern. Communications and drafts were circulated by other means including email and telephone.</p> <p>The consultation process was intended as a way for stakeholders to give voice to their concerns and make suggestions for change and has resulted in significant revisions to the draft.</p>
<p><u>Stakeholders:</u> [We understand] that the proposed Regulations are based upon the regulations in place in Saskatchewan. However, the stakeholder understands that the WSCC is not contemplating or proposing amendments to the <i>Safety Act</i>, R.S.N.W.T. 1988, c.S-1. [We are] strongly of the view that the proposed Regulation cannot be adopted without corresponding amendments to the <i>Safety Act</i> to ensure the equitable and reasonable application of those Regulations across industry in the Northwest Territories. In particular, believes that the <i>Safety Act</i> should be amended to include an exemption provision similar to that found in section 46 of the <i>Saskatchewan Occupational Health & Safety Act</i>, S.S. 1993, c.O-1.1.</p>	<p><u>Committee:</u> The current project involves draft regulations, not amendments to the Act. The WSCC does not contemplate or propose amendments to the Act. The Safety Advisory Committee is independent of WSCC. The WSCC supports the work of the Safety Advisory Committee administratively and provides access to technical resources.</p> <p>The Committee as per section 26 of the <i>Safety Act</i> is empowered to make recommendations in respect of amendments to the Act. The Committee is of the view that whether such an amendment (as proposed) is needed, requires further study. The Committee has considered these comments further at sections 447 and 449. Section 46 of the <i>Saskatchewan Occupational Health and Safety Act</i>, S.S. 1993, c.O-1.1 states:</p> <p style="padding-left: 40px;">46. (1) In order to meet the special circumstances in a particular case, the director may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or class of persons</p>

	<p>from any provision of the regulations or a code of practice.</p> <p>(2) An exemption pursuant to subsection (1) shall be made only where the director is satisfied that the standard of health and safety of any worker is not materially affected by the exemption.</p> <p>The "Director" in Saskatchewan is equivalent to the Chief Safety Officer in the NT and Nunavut.</p> <p>There is no provision comparable to section 46 of the Saskatchewan OHS Act in the NT or NU <i>Safety Act</i>. The Chief Safety Officer does not have authority to make such an exemption. There is no authority to make regulations authorizing such exemptions under section 25 of the <i>Safety Act</i>, as such a power is not explicitly stated and would be a significant departure from objects of the Act.</p> <p>Authority to make an exemption could only be achieved through an amendment to the Act authorizing the Minister or Chief Safety Officer to grant such an exemption. Under the present <i>Safety Act</i> no such exemption may be granted.</p> <p>The Chief Safety Officer made inquiries to her counterpart in Saskatchewan to determine if such an exemption had been granted. It was indicated that a few exemptions have been granted but those exemptions are very limited.</p>
<p><u>Stakeholders:</u> Understands that the advisory committee will review all input received and provide written responses to all submitting parties. It has also been advised by the WSCC that the advisory committee will post all comments and replies on the WSCC website for review by all interested parties.</p>	<p><u>Committee:</u> Under section 26 of the Act the Committee advises the Minister directly. WSCC in its administrative capacity has agreed to make available the report on the consultation as developed by the Committee to stakeholders via the WSCC website.</p> <p>The Committee finds transparency of the process essential, but chose to respect the privacy of stakeholders in its report. A list of respondents who provided comments is included at page 7, above, but the identities of stakeholders have been removed from all comments.</p>

3. Duties and Responsibilities

Stakeholder Comments	Committee's Analysis & Response
<p><u>Stakeholders:</u> In a number of places the employer is required to "ensure understanding" by employees. This is not a reasonable standard to apply or test. The standard</p>	<p><u>Committee:</u> The Committee agrees. There were about three or four instances of this construction and they have all been removed.</p>

<p>should remain "to provide education".</p>	
<p><u>Stakeholders:</u> There appears to be a major shift of responsibility to the employer that was not as evident in the previous regulations. Occupational health and safety should be a shared responsibility, with the understanding that the greater share of the burden will fall to the employer.</p>	<p><u>Committee:</u> The regulatory partnering model, on which current and proposed regulations are based, is used throughout Canada, to share responsibility. Under this model the employer is in a privileged position because the employer is normally in control of or has the means of controlling the work site. A greater share of the responsibility for safety at a work site falls with the employer. Where there are multiple employers, the greatest share falls with that employer who has the greatest degree of control (section 4 of the draft regulations). The draft regulations are consistent with the Act.</p>
<p><u>Stakeholders:</u> Implementation is a significant issue. The amount of work to certify supervisors is huge. This will have a large impact on our facilities and also challenge the resources of WSCC. Is there an implementation plan that can be reviewed to provide insight into how the implementation process is being seen by WSCC? Will there be a phased implementation?</p>	<p><u>Committee:</u> This comment deals with the issue of supervisors in the revision of sections 19 to 21. Sections 20 and 21 are to be removed, while section 19 is modified to include the provision of a regulatory familiarization program. See discussion at section 19 of Part Three of this volume for more details.</p> <p>WSCC will be working on an implementation plan before the regulations come into force. The plan will include safety promotion and public education.</p>
<p><u>Stakeholders:</u> It is also not a reasonable expectation for us to be required to fully assess whether or not our contractors are in full compliance with the OH&S Regulations. We believe WSCC is in the best position to make this assessment. This assessment could form part of the existing certification process that is now being done to verify that the contractors are fully paid up on their WSCC premiums. The OH&S Regulations should be amended to clearly articulate the responsibilities in this area.</p>	<p><u>Committee:</u> Section 4 of the proposed regulations addresses this comment. While the person with the greatest degree of control of a work site (usually either the owner or principal contractor) is primarily responsible, that does not remove responsibility from other employers. This is a reflection of the internal responsibility system.</p> <p>Even if the employer that should be responsible for a particular matter does not take the necessary action, other employers are still responsible to varying degrees, depending on the facts of the particular case. A recent case from Yukon indicates that this is consistent with the current state of common law: <i>Director of Occupational Health and Safety v. Government of Yukon, William R. Cratty and P. S. Sidhu Trucking Ltd.</i>, 2010 YKTC 97 (CanLII) and upheld against the Yukon Territorial Government in June 2011 in <i>Director of Occupational Health and Safety v. Yukon</i>, 2011 YKSC 50.</p> <p>Involving WSCC in making assessments suggests a greater interventionist role by the CSO. Such an interventionist approach is too prescriptive. It would also transfer responsibility away from the employer in a manner that is inconsistent with the Act and the</p>

<p><u>Stakeholders:</u> Should overlapping legal duties and responsibilities be more clearly defined?</p> <p>Should duties and importance of workplace workers be specific and different - thereby reflecting industry and prosecutorial practice?</p> <p>Should the duties and responsibilities of directors, officers supervisors and managers be specific?</p> <p>Should other stakeholders have duties and responsibilities such as owners of facilities, engineers, licensees, suppliers, architects, manufacturers, unions, members of Committees and safety inspectors?</p>	<p>common law.</p> <p><u>Committee:</u> Regulations cannot be made under the <i>Safety Act</i> in respect of the professional responsibility of architects, engineers or other professionals, or with respect to collective bargaining and union matters, or matters covered by corporate law or other laws.</p> <p>Professionals are governed by other legislation that governs their qualifications and responsibilities.</p>
<p><u>Stakeholders:</u> “The current Regulations have no references to a duty or obligation of a supplier. The Draft now contains 123 references.</p> <p>“The first and most obvious feeling about this new series of "supplier shall" references is that the jurisdiction of the WSCC is between the employer and worker. Now all of a sudden we see the WSCC imposing new requirements for suppliers.”</p> <p>“We felt that if "supplier" provisions are to be included in the Regulations a definition is required in the interpretation section. This definition needs to be specific about who it includes and for what level of service or supply. It also needs to delineate the difference between a wholesale/retail supplier and manufacturer.”</p> <p>It is our view that this is unnecessary in Nunavut. This imposes additional work loads and creates an unacceptable level of liability for "suppliers", depending on the definition used. Suppliers providing CSA or other approved materials and equipment should have no responsibility once the material leaves their premises. If there is a fault in the equipment or problems with an action using the material or item which subsequently causes injury then responsibility lies with the employer, the user, the training or the manufacturer.</p> <p>Where it is a rental situation the supplier has the due diligence to ensure proper maintenance and repair of equipment rented or loaned. Employers renting equipment for use have an obligation to ensure they check that the equipment is in good working order</p>	<p><u>Committee:</u> There is sufficient and explicit statutory authority to address suppliers in the OHS Regulations.</p> <p>Section 1 of the <i>Safety Act</i> defines "supplier": <i>"supplier" means a person who supplies, sells, leases, distributes, erects or installs any tool, equipment, machine, device, or any biological, chemical or physical agent to be used by a worker or at an establishment;</i></p> <p>That definition carries over automatically into any regulation made under the Act.</p> <p>Section 6.1 of the Act outlines minimum duties of suppliers with respect to ensuring that goods are safe to use when supplied, and includes reference to additional duties set out in the regulations. There is an offence provision set out in s. 21(5.1).</p> <p>Because of the presence of the definition in the Act, mention of "supplier" is not new. The obligations of suppliers have been established by the Legislative Assembly, not by the WSCC.</p> <p>The Committee interpreted the stakeholder comment to be aimed at not holding a supplier responsible for damage to equipment that is caused by others during rental or after purchase.</p> <p>If a supplier provides defective equipment that causes injury, the supplier should be held responsible even after that equipment has been supplied. If the item is damaged after purchase as a result of the actions of the employer or some other person, the focus of responsibility shifts from the supplier to the employer</p>

<p>before they take it. A supplier has no authority over and cannot control or police the activity of an employer once the equipment is away from their premises.</p> <p>We feel it exceeds a supplier's authority or business to even ask the renter questions about how it is to be used and by whom and then to pass judgement on the competency of the user.</p> <p>If however, this is referring to "sub-contractors" providing materials and services, and they fail to meet the requirements of the regulations then they should carry a proportionate share of responsibility.</p>	<p>or other person.</p> <p>Eliminating the responsibility of suppliers, would significantly alter suppliers' liability under the Act. This is outside of the regulation-making powers of the Act.</p>
<p><u>Stakeholders:</u> Where do volunteers fall under the big picture? What is the employer's responsibility?</p>	<p><u>Committee:</u> Volunteers are included in the definition of a "worker" under section 1 of the <i>Safety Act</i>. The obligations of volunteer workers and their "employers" are therefore the same as those of paid workers and their employers.</p>

4. Legislative Competence

Stakeholder Comments	Committee's Analysis & Response
<p><u>Stakeholders:</u> The regulations in a number of places refer to issues already covered by other legislation (e.g.: the <i>Hospital Insurance Health and Social Administration Act</i> (HIHSSA) covers a lot of what is in Section 95 (Exposure Control Plan). Wherever possible the new OHS regulations should not duplicate requirements but refer to the other legislation.</p> <p>A closer review is required of Part 2 - Reporting and the duties imposed upon the OHS Committee and the OHS Representative. We must ensure these do not conflict with the HIHSSA Act or other Acts and Regulations.</p> <p>While the draft regulations are a significant and positive change from those currently in place, we are very concerned about some of the new directions that are being proposed by WSCC. We find some of these changes not only in conflict with other legislation and existing and recognized process; but also detrimental or superfluous to our territory.</p>	<p><u>Committee:</u> Many statutes and regulations deal with work site issues from various perspectives such as employment and labour standards, fire prevention and public health. The <i>Safety Act</i> and its regulations have a primary focus on the occupational health and safety of workers.</p> <p>The <i>Hospital Insurance and Health and Social Services Administration Act</i> (HIHSSA) when coupled with work site safety legislation provides protection for both workers and the general public. The two legislative regimes work in a complementary manner.</p> <p>There are some parallels between the OHS Regulations and the <i>Hospital and Health Care Facility Standards Regulations</i> (HHCFSRs), however the objective of those regulations and the Act must be considered. HIHSSA and the HHCFSRs have as their primary focus the safety of patients and other occupants of the facilities.</p> <p>OHS of health care workers is not explicitly mentioned in the Act and is only indirectly referenced in section 8 of the HHCFSRs. That section in the regulations does not override the <i>Safety Act</i>, since Regulations cannot override any statute.</p> <p>The <i>Safety Act</i> applies to workers at all work sites,</p>

	<p>except at mines and work sites under federal jurisdiction. The <i>Mine Health and Safety Act</i>, is a statute that clearly places mine OHS under a different legislative regime.</p>
<p><u>Stakeholders:</u> The regulations require reporting of information by employers that is already available to WSCC through accident reports [<i>filed under the Worker's Compensation Act</i>] This seems to be needless duplication and should be reviewed.</p>	<p><u>Committee:</u> These regulations establish the requirement for reporting accidents causing serious bodily injury and dangerous occurrences. Whether or not a claim is filed is not important under the <i>Safety Act</i>. The reports filed under the <i>Safety Act</i> and its regulations might be shared for the purpose of claims under the other Act, subject to any other legal requirements (e.g. ATIPPA). The two Acts are distinct and have differing purposes and objects, even though they are administered by the same agency.</p>
<p><u>Stakeholders:</u> With the bio-safety guidelines there seems to be overlap with Federal agencies - Canadian Food and Inspection Agency and the Public Health Agency of Canada (Human Pathogens and Toxins Act). The regulations require a special certificate and licence, but the Federal agencies require a special import certificate. Is this overlap intentional?</p>	<p><u>Committee:</u> The Committee does not see any overlap with any federal Acts (see discussion at page 9).</p> <p>The nature of the pathogens and toxins covered by the <i>Human Pathogens and Toxins Act</i>, S.C. 2009, c.24 (e.g., smallpox virus) suggests that this Act is directed more at controlling pathogens and toxins in relation to bio-terrorism and national security. The Act appears to regulate the security of the pathogens and toxins, not how they are safely handled by workers.</p> <p>The Canadian Food Inspection Agency Act deals primarily with matters of consumer safety and public health. It is not directed at worker safety. There are no regulations under either of these federal Acts.</p> <p>Chemical and biological substances are dealt with in Part 21 and Part 22 (WHMIS provisions) of the draft regulations. There are no requirements for certificates or licences in those Parts.</p>
<p><u>Stakeholders:</u> Issues such as shift work are already covered by collective agreements for employers with unions. How will the WSCC deal with issues already covered by collective agreements?</p>	<p><u>Committee:</u> Regulations and statutes create legal obligations. One cannot, through a collective agreement, opt out of the legal requirements imposed by regulations and statutes. To do that would usurp legislative authority.</p>
<p><u>Stakeholders:</u> There are many other proposed regulations such as the 30 day notice of extreme cold weather work, supply of all personal safety equipment, safety certification of supervisors, safety committee thresholds, rescue training, and numerous others that, while they may make sense for the construction industry, will have inadvertent impacts on the transportation industry. Impacts will be both costly and compromise our ability to provide necessary services year round. In many cases these new</p>	<p><u>Committee:</u> Federal safety regulations apply to air carriers. The <i>Safety Act</i> does not apply to federally regulated industries. This is due to the division of powers under the Constitution of Canada (section 91).</p> <p>The comments are directed at specific issues in the regulations - primarily at section 41, Part 7 (PPE), sections 19-21 and Part 4. These comments are dealt with specifically in Part Three of this volume.</p>

<p>regulations will be layered on top of the Federal safety regulations air carriers already operate under, resulting in duplication of effort and conflicting requirements.</p>	
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5. Length, Language and Complexity of Document

Stakeholder Comments	Committee's Analysis & Response
<p><u>Stakeholders:</u> Concerned that regulations are very long and the language is quite complex- this may create a barrier for both employees and employers. This is especially concerning as the employer has a responsibility to educate employees on the regulations.</p> <p>“The Regulations currently contain numerous instances of vague and unclear language that is subjective and open to a wide range of different interpretations. If this language is not made clearer then serious operational challenges are anticipated during implementation.”</p> <p>The overall document is too large to realistically expect employers and employees to comprehend it in the detail necessary for both to ensure compliance. Selected portions of in-place regulatory documents have been reprinted within these regulations; it might be more prudent to simply refer to these other regulations. Reprinting regulatory documents within the WSCC regulation demands that the regulation be amended each and every time any part of any of the re-printed regulatory documents is amended. The monitoring and amending process for these WSCC Regulations related strictly to ensuring that the reprinted portions remain current will, in itself, be difficult and time intensive. Where two documents might conflict, which document will take precedence?</p> <p>The end result is the draft regulations are extremely long. The draft regulations are 356 pages with 492 sections plus numerous schedules. {i.e. stakeholder raises concerns over size of document}</p> <p>We are very concerned that considerable time, effort, and money has been misdirected by the SAC toward writing incredibly detailed regulations. With between half and three-fifths of territorial businesses having fewer than ten employees, it is unrealistic to expect that many of them will have the resources to plough through 350 pages and figure out if and how the proposed rules may apply to their firms.</p> <p>It is unfortunate that the drafters of the new</p>	<p><u>Committee:</u> Legislative writing is a form of technical writing. It sets out legal requirements and is aimed at a legal audience and in particular a judge. It must follow certain conventional requirements common to all legislation in the jurisdiction. The complexity and length of these draft regulations is comparable to similar legislation in other Canadian jurisdictions.</p> <p>The consultation draft contained 356 pages. This is of moderate size for similar legislation in Canada.</p> <p>Similar legislation in other jurisdictions has the following lengths:</p> <ul style="list-style-type: none"> • Current legislation in NT & NU : <i>General Safety Regulations</i> (169 pages); <i>Asbestos Safety Regulations</i> (6); <i>Environmental Tobacco Work Site Regulations</i> (6); <i>Safety Forms Regulations</i> (4); <i>Silica Sandblasting Safety Regulations</i> (6); <i>Work Site Hazardous Materials Information System Regulations</i> (20) = 211 pages (English and French) • Yukon - 450 pages (multiple regulations and two Parts in the OHS Regulations not counted as they concern mining and oil and gas safety - English and French] • BC - hundreds of pages in diffuse form (English only) • AB - 539 (English only) • SK - 276 (English only) • MB - 334 (English and French) • ON - 144 (probably more as there are multiple regulations - English only; can be doubled if one includes French versions) • NB - 240 (probably more as there are multiple regulations - English and French) • NS - 178 (multiple regulations - excluding mining regulations - English only) • PEI - 111 (probably more as there are multiple regulations - English only) • NL - 175 (probably more as there are multiple regulations - English only) • Canada (federal) - 256 (<i>Canada Occupational Health and Safety Regulations</i> only - English and French)

<p>regulations missed an opportunity to set a fine example for other Canadian jurisdictions, and move away from the old, worn out approach of writing ever more detailed and lengthy rules. This approach is based on the misguided assumption that the mere re-writing of the rules will magically result in positive change.</p>	<p>The Committee is aware that regulations do not implement themselves, and that for them to be effective employers and workers must be able to understand them. Quasi-legislation, like codes of practice, which can be written in plain language, will provide guidelines in interpreting the regulations. The WSCC will also run education programs to assist stakeholders in understanding regulatory requirements (e.g. the regulatory familiarization program referred to in section 19).</p> <p>There is no "reprinting of [other] regulatory documents" within the draft.</p> <p>The Committee is constrained by its mandate under the <i>Safety Act</i>. The Act captures what is essentially the regulatory partnering model. The alternative approaches suggested are not consistent with the Act.</p>
<p><u>Stakeholders:</u> The language is not consistent throughout the document. This is especially true with terms for the individual in charge, including "employer", "owner" and "operator". We need consistency of language to assist in interpretation and education.</p>	<p><u>Committee:</u> Agreed. The draft was reviewed to ensure consistency. The use of "owner" and "operator", particularly in Part 23, was corrected.</p>
<p><u>Stakeholders:</u> "...It may be useful for either the WSCC (or the GNWT?) to provide for a layman's version of the Regulations that could be incorporated into Orientation manuals, Committee Terms of reference, etc. Wading through the document as set out is onerous and it is likely that, unless a "condensed" version is made available, there will be some difficulty in implementation, particularly in the Regional setting. Regional Managers and operational staff will likely focus on the few areas that are most relevant to their operations and the capacity to implement other areas of the proposed Occupational Health and Safety Regulations may be problematic..."</p>	<p><u>Committee:</u> Agreed. This is the purpose of codes of practice and guidelines under s. 18(3) of the <i>Safety Act</i>. Plain language guidelines for various parts of the regulations may be useful. An education program is needed to explain the regulations to employers and workers, and to show them how to read and apply them. The regulations themselves must be drafted in conformity with standards for legislative drafting.</p>
<p><u>Stakeholders:</u> "...There appears to be no order or logic to the organization of the proposed Occupational Health and Safety Regulations. Sections do not have a strong logical connection or categorical relationship to previous or succeeding sections, neither are they organized alphabetically - this which provides for difficulty in navigating through the document. An index would be very helpful..."</p> <p>"There is confusion in the organization of the document. Interpretations of terms are found both in</p>	<p><u>Committee:</u> The organizational structure is fairly conventional for most western provinces, and builds from the general and universal to the specific and particular.</p> <p>Terms used throughout a legislative document are defined at the beginning (section 1). Other terms, used only in a particular part or section, are defined in that part or section. Terms are "defined" in legislation only if used in a different sense than their ordinary meaning, or in one particular sense if a term has more than one ordinary meaning.</p>

<p>the "interpretations" section and in numerous specific sections throughout the document. This is inconsistent and makes the use of the document somewhat difficult; a consistent approach is recommended."</p> <p>"For example, to fully understand the effect of the sections dealing with high hazard work, you have to look at sections 7(1) and 7(2), Schedule A which is near the end of the document and then you need to review all the definitions of all the terms contained in Schedule A, such as "construction" (See next comment), "isolated work in extremely cold weather", and "high risk asbestos processes". In addition, Schedule C which contains a summary of first aid requirements in relation to high hazard work must also be reviewed, along with sections 14 and 20. If possible, it would make for easier reading, if the sections dealing with the same subject such as high hazard work were contained near each other in the same section of the regulations. Another option would be to have an index of all common terms referencing all related sections in the draft regulations which would also assist in ensuring all relevant requirements are understood and considered."</p> <p>"We found the structure of the document to be user friendly. The way the information is arranged makes it easier to find information."</p> <p>"The consolidation of the various acts into one makes administering the safety regulations much easier. If a portion of regulations is separate from the main part it could be inadvertently missed by those less experienced in the regulatory process."</p> <p>Re: Definitions - In reviewing definitions in the new proposed Occupational Health and Safety Regulations, it may be useful to consolidate definitions into the "Interpretation" section as opposed to having definitions located through the body of the Regulations (For example, the definition of "Isolated and "work alone" are either contained in that section (42) or one must refer to another section (in this case ss 61) for a definition. Consolidation of all definitions in the "Interpretation" section may be a more consistent approach.</p>	<p>Terms defined in the <i>Safety Act</i> have the same meaning in the regulations and are not normally re-defined in the regulations (for example, "work site").</p> <p>Readers will note many changes in the definition sections of the revised draft regulations, thanks in large part to questions and comments from stakeholders. In particular definitions concerning first aid and concerning accidents causing serious bodily injury and dangerous occurrences have been moved from being Part-specific or section-specific to global definitions. These changes resulted in some simplification.</p> <p>An index and glossary are currently outside the scope of this project, and are not normally included in the official text of regulations. There will be a table of contents, to make it easier to find specific Parts and sections. The table however will not be a formal part of the regulations.</p> <p>Section 7 and Schedule A have been substantially revised. See comments in Part Three of this volume.</p>
<p><u>Stakeholders:</u> "There are numerous areas in this document that are highly subjective in nature and therefore may not provide the regulatory imperatives necessary to both</p>	<p><u>Committee:</u> There are instances where someone must make a determination on the facts - for example if something is "reasonable" or not. The regulations cannot</p>

<p>employer and employee; the document needs to be reviewed specifically with a view to eliminating subjectivity or potentially relating criteria to a risk regime.”</p> <p>“The Regulations currently contain numerous instances of vague and unclear language that is subjective and open to a wide range of different interpretations. If this language is not made clearer then serious operational challenges are anticipated during implementation.”</p> <p>“...a balance must always be struck between the ideal and the practical...”</p> <p>“Prescriptive regulations are preferred over less prescriptive ones to avoid uncertainty of law. They also may check any arbitrariness in the exercise of discretion by safety officers.”</p>	<p>contemplate every possible scenario without being overly prescriptive. Some persons have to make decisions based on the facts of a particular case - be that a judge, safety officer, worker, employer, supplier or the Chief Safety Officer. Whether that decision was correct given the facts is a matter of administrative law that can be reviewed. There are systems to check the exercise of arbitrary decision-making (i.e. unreasonableness). The appeal system under section 16 of the Act is one such mechanism. So is judicial review and administrative law generally.</p> <p>Stakeholders have criticized the draft regulations for being both too prescriptive and not prescriptive enough. This underscores the importance of collaborating with a wide array of stakeholders to achieve a balanced point of view.</p> <p>Rather than make these regulations overly prescriptive, details may be set out in codes of practice where appropriate.</p>
<p><u>Stakeholders:</u> A detailed comparison between the existing regulations and the draft regulations that point out the changes being proposed would be very helpful. For major changes, it would also be helpful to explain why something is being changed or why a new section is being added. For example, it could point out the change is being added because most other provinces and territories now require this standard in this area.</p>	<p><u>Committee:</u> Such a comparison would be a good idea and was considered by the Committee. It would be difficult to do because a number of provisions are completely new and the organizational structure significantly differs from the <i>General Safety Regulations</i>.</p> <p>The discussion in Part Three of this volume provides much of the suggested explanation for new or substantially changed provisions.</p>
<p><u>Stakeholders:</u> We believe that the Regulations should not proceed in their current form without a number of practical and operational weaknesses being addressed first.</p>	<p><u>Committee:</u> The consultation has identified a number of weaknesses that have been addressed by the Committee. These are dealt with in detail in Part Three of this volume.</p>

6. OHS Committees

Stakeholder Comments	Committee's Analysis & Response
<p><u>Stakeholders:</u> There is considerable new information now being either provided to or made available to the OHS Committee. The regulations do not, however, make clear what their responsibilities are in relation to that information. This may create confusion and overlapping duties. The roles and responsibilities of the OHS committee and of the employer need to be clarified, especially considering most of the requirements identify the employer as being responsible.</p> <p>“concerned that the role of the worker in Committees</p>	<p><u>Committee:</u> Section 7 of the Act states the responsibilities and duties of the OHS Committee. There is also a role set out in the Act for refusals to work in situations of unusual danger.</p> <p>With respect to the protection of information, section 11 of the Act governs the Committee and its members in addition to other persons.</p> <p>The occupational health and safety committees have statutory powers under the Act. In the regulations they have some regulatory obligations. Members of</p>

<p>is largely advisory”</p>	<p>committees are all employees (even if designated to represent employers), and so do not have control over the work site. The primary responsibility for OHS matters must remain with those who do control the work site.</p>
<p><u>Stakeholders:</u> The range of duties proposed for the OHS Committee implies a high level of knowledge of OHS issues and this legislation. This may not be a reasonable expectation in many northern workplaces. The appropriateness for the new structure should be assessed in light of the realities of Northern workplaces.</p>	<p><u>Committee:</u> An OHS Committee is created under s. 7 of the <i>Safety Act</i>. There are only three requirements of OHS Committees in the draft regulations (section 49 concerning frequency of meetings; section 50 concerning minutes of meetings; and section 51 concerning how the worker co-chairperson is selected).</p> <p>The entire OHS Committee does not need to have a high level of knowledge initially, but the co-chairpersons of an OHS Committee should receive training (see revisions to Part 4, sections 45 to 60 in Part Three of this volume below).</p>
<p><u>Stakeholders:</u> "...We acknowledge that worker safety and occupational health are of paramount importance here, however, we feel that there is legitimacy in some of the issues that business is raising about onerous administrative requirements under the proposed new Occupational Health and Safety Regulations. We suggest that the sustainability of smaller business enterprises in the NWT may be compromised by the administrative burdens being placed on them and a possible solution would be to have a graduated level of administrative requirements depending upon the size of the enterprise. The objective of ensuring worker health and safety would still be a necessity through the proposed Regulations in this case but the burden of disproportionate administrative requirements would be minimized..."</p>	<p><u>Committee:</u> Agreed. The threshold for notice requirements under section 7 and for requiring an OHS Committee in section 45 are raised to 20 or more workers.</p> <p>The Committee is sensitive to the needs of all employers and workers of the NT and NU. Changes made throughout the review will assist in clarification and alleviate many of these concerns.</p> <p>Codes of practice will provide more description from a layman’s point of view in plain language, thereby making OHS practices more clear.</p>
<p><u>Stakeholders:</u> These changes will result in additional costs from logistics to administration. While the regulations are clearer the ambiguity of the language will likely lead to more challenges by workplace committees that will result in costs associated with reviewing and responding to concerns raised by committees. These costs will unfortunately and most likely be passed on to the public.</p> <p>The new regulations place a significantly higher burden on employers as well as the Occupational Health and Safety Committees (Committees) and the Occupational Health and Safety representative (representative)... the dramatic increase in requirements will impact service delivery - staff will</p>	<p><u>Committee:</u> The draft regulations are clearer and therefore much less ambiguous than the current regulations. The "ambiguity" referred to may be in relation to terms such as "reasonable", "reasonably practicable" etc. These are terms that indicate that someone must reach a conclusion based on the facts of a case. Simply prescribing one solution in these regulations for all industries will not work.</p> <p>Work site OHS does not come without costs, but it is less costly than having no OHS. Where there is no OHS and accidents are common-place, workers' compensation premiums will rise to pay for compensation. Those too are costs that are passed on to industry and the public. Compensation for a</p>

<p>be moved away from the front line to do OHS work.</p>	<p>disability incurred at a work site is much more expensive than providing PPE or carrying out safe work procedures under these regulations.</p> <p>The requirements of the Committees are not all that different from what is currently set out under the Act and GSRs. An employer has primary control of a work site (section 4).</p>
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7. Protection of Privacy

Stakeholder Comments	Committee's Analysis & Response
<p><u>Stakeholders:</u> “There are a number of privacy issues that we have flagged, but the regulations should be reviewed carefully by the Privacy Commissioner, especially in light of issues such as the proposed release of information around work site injuries. With many small employers in the north release of this information will reveal personal information. The Privacy Commissioner could also provide their opinion on possible conflicts between these regulations and Health and Social Services legislation and regulations. Our primary concern is maintaining the confidentiality of personal health information.”</p> <p>“Concerns with respect to privacy of employee information. Regulations appear to expect information on workplace accident and reports to be provided to OHS Committees. These may contain personal employee information. Care must be taken with this type of information and it should be stressed in the regulations. The stakeholder urges WSCC to conduct thorough privacy analysis on the movement of information as contemplated in the new regulations.”</p> <p>“the need to ensure accuracy of OHS information, the placement of limits on the disclosure of information and the right to have access to challenge the accuracy of the information - must be a reasonable balance between individual privacy represented by personal information held by the organization and need for organization to use or disclose the information for legitimate organizational purposes”</p>	<p><u>Committee:</u> The Privacy Commissioner is not delegated any powers to examine regulations. Under the <i>Statutory Instruments Act</i> the Departments of Justice (GN and GNWT) are charged with examination of regulations.</p> <p>The Committee draws the attention of the stakeholders to section 48 of the <i>Access to Information and Protection of Privacy Act (ATIPPA)</i> and to section 11 of the <i>Safety Act</i>. Section 48 of the ATIPPA contemplates this type of disclosure. Personal privacy is not an absolute right and personal information can, and sometimes must be disclosed. In the case of OHS, personal privacy cannot be used as an obstacle to the purposes and objects of the <i>Safety Act</i> - subject of course to ATIPPA.</p> <p>In the NT and NU, ATIPPA only applies to the GNWT, GN and certain territorial agencies and corporations; the federal <i>Protection of Personal Information and Electronic Documents Act (PIPEDA)</i> applies to the private sector.</p>

8. Standards and Codes of Practice

Stakeholder Comments	Comments and Analysis
<p><u>Stakeholders:</u> “For this consultation it is vital that references for standards be identified. In cases where an actual standard is identified the source is clear. In other places the standards are outlined in the text with no</p>	<p><u>Committee:</u> We avoided the use of standards and codes as much as possible in the draft regulations. There is a difference between a regulatory requirement and what is an industry best practice or standard.</p>

<p>information on where they came from. This information is vital for us to assess the appropriateness of those standards for the North.”</p> <p>“Best practices and evidence change over time - it is not appropriate to be too prescriptive or detailed with an intervention that may change down the road. It is preferable to refer to nationally acceptable standards whenever possible and not detail them in the regulations.”</p> <p>“The draft Regulations does not cite any standards such as fall protection, noise assessment and PPE.”</p> <p>“non-compliance - not referencing specific CSA standards and codes within the draft makes it difficult to determine the requirements - some parts of regulations include references to standards and codes and others do not ("approved") - clarity is required”</p> <p>“number of statutes/regs/codes etc. are referenced - are regs consistent with these”</p>	<p>Regulatory provisions have legal effect, but standards and codes of practice do not. There is no authority under the <i>Safety Act</i> for standards making bodies to make regulations - that responsibility falls on the regulation making authorities (i.e. the Commissioner on the recommendation of the Minister).</p> <p>The effect of standards and the codes of practice is identified in section 22.1 of the Act. Standards and codes are not part of the regulations.</p> <p>If formally adopted pursuant to section 18 of the Act, they may be admissible as evidence in the course of a prosecution.</p> <p>The lack of a code of practice does not make regulations ineffective. Indeed there are no codes at present under the GSRs. The lack of codes of practice makes both compliance with the regulations by employers and workers and prosecution for non-compliance more difficult, as the appropriate standards of practice are not set out in clear and simple terms.</p> <p>Generally a court considers a referenced code or standard to determine if a decision-maker took into account relevant factors in reaching a decision.</p> <p>Conformity to a code may also be accepted as evidence of safe practices by an employer or worker, even if an accident or injury occurred.</p>
<p><u>Stakeholders:</u></p> <p>The regulations should not diverge from national standards unless there is significant evidence to require the difference. In Section 98.(4) on refresher training for respiratory protective devices the new requirement is for refreshers to be done every 6 months. According to CSA standards it is to be done every 2 years. This will create a significant burden for our facilities to implement a standard considerably more taxing than national standards.</p>	<p><u>Committee:</u></p> <p>Standards are not legislation. The Legislative Assembly delegated regulation making powers under the <i>Safety Act</i> to the Commissioner on the recommendation of the Minister, not to a standards making body.</p> <p>Regulations do not have to comply with standards and quasi-legislation. Employers, workers etc. must comply with or exceed regulatory requirements. The Standards Council of Canada provides helpful literature on how standards relate to legislation (For information on codes of practice, standards and codes see page 10 and also the comments associated with section 5).</p> <p>The specifics of this comment relating to training for respiratory protective devices are addressed in the comments at section 98(4), in Part Three of this volume.</p>

<p>Stakeholders: “Instead, the focus should be on preventing injuries before they happen. Clearly if injury prevention was the real goal of the SAC, efforts would have been geared primarily to the small business audience, taking account of their limited time and resources. The focus would have been very practical prevention/compliance assistance initiatives, as opposed to spending some two years writing the "perfect" regulation on paper. Please bear in mind, that much progress could have been made during the time devoted to regulation-writing by reaching out in a practical, direct manner with assistance on issues such as hazard identification and control for example, to the businesses in the two territories, organized according to sensible priorities.”</p> <p>“codes of practice are likely to have a substantive impact on workplace - consultative role of stakeholders seems at odds with the stated consultative process and may be potentially problematic for the corporation”</p>	<p>Committee: The Safety Advisory Committee's statutory mandate is to "make recommendations [to the Minister] respecting amendments to this Act and the regulations that it determines are required or desirable in the interests of occupational health and safety." (s. 26(4) <i>Safety Act</i>). Injury prevention is one aspect of OHS but it is not the only one.</p> <p>Development of Codes of Practice aimed at making practical guidelines, will assist with issues such as hazard identification and control. Codes will be developed on a collaborative basis, with stakeholders in the two the two territories being approached for practical suggestions and insight on OHS priorities.</p>
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9. Other Comments

Stakeholder Comments	Committee's Analysis & Response
<p>Stakeholders: The committee members, both worker and manager, were concerned that the Impaired Person clause was removed. When a manager feels an impaired worker needs to be removed from the work place the support of the Regulations, in addition to policy, is comforting. Workers stated that they did not want to work with someone who is impaired. Knowing that the employer has the ability under the law to remove an impaired worker from the work place provided some assurance that they would be safe at work. Despite the new provisions of violence and harassment which may be deemed to have covered this aspect of the work place, the committee did not feel that this is sufficient. The committee prefers the clearly expressed language of the current Regulations.</p>	<p>Committee: Stakeholder may be referring to its own OHS Committee or some other committee that reviewed the draft regulations.</p> <p>The Safety Advisory Committee understood this comment as a concern over persons intoxicated by alcohol or drugs, and not as a concern with other kinds of impairment, for example, blindness, deafness or mobility impairment.</p> <p>Section 16 of the GSRs states: Impaired Persons 16. No person shall enter or remain on the premises of a place of employment while under the influence of intoxicating beverages or drugs if he or she creates a nuisance or if his or her abilities are impaired so as to endanger any person.</p> <p>Regulations are not needed to allow an employer to direct an intoxicated worker to leave the work site. They are also not needed to allow disciplining of the worker for being intoxicated at work, whether or not that intoxication creates a danger for that person or other workers.</p>

	<p>If the person is creating a danger to other workers, the employer would be obliged, under section 4 of the <i>Safety Act</i>, to deal with the person in a way to make the work site safe - either have the person leave the premises or, if that is not possible, separate the person from other workers until the person is no longer a danger.</p>
<p><u>Stakeholders:</u> Outdoor/Field Work - Many of our employees work out of doors for at least part of the time.... "Exploration drilling" is not defined in the Regulations or <i>Safety Act</i>. Some of the work completed by our staff members could be considered "exploration drilling", which according to Schedule A would be high hazard work. If geosciences fieldwork comes under "exploration drilling" this would mean the field work conducted by these employees would be subject to the notice provisions in section 7, and requirements for employment of minors and supervisor's certificates. An addition to the definition section would be appropriate.</p>	<p><u>Committee:</u> The specific concern raised by this comment is addressed by changes to section 7 and Schedule A, which deals with high hazard work. However, the comment demonstrates that the same activity may be subject to different legislative provisions, depending on the industry in which it is being carried out.</p> <p>Some geosciences fieldwork will be mining activity, which is governed by the territorial <i>Mine Health and Safety Act</i>; other geoscientists may do similar work in the oil and gas industry, which is governed by the federal <i>Canada Oil and Gas Operations Act</i>. Therefore not all outdoor/fieldwork falls under the scope of the <i>Safety Act</i>.</p> <p>These regulations do not apply to mines (see section 2), or to any federally regulated activity. Drilling for water or to test bedrock or soils for example would be within the scope of the draft regulations.</p>
<p><u>Stakeholders:</u> Careful examination of what constitutes low and high hazards - Sch. A needs examining</p>	<p><u>Committee:</u> The high hazards issues are dealt with in revisions to section 7 and Schedule A.</p>
<p><u>Stakeholders:</u> Should fire be a reportable incident?</p>	<p><u>Committee:</u> A fire might be a reportable incident under other legislation and it might be under these regulations (for example if an accident causing serious bodily injury or a dangerous occurrence is involved).</p>
<p><u>Stakeholders:</u> There is a definite 'industrial' feel to these regulations that will make them onerous and difficult to apply in the context of an office environment typical of many government operations. While no one disputes the need for workplace safety in operational departments like the correctional facilities, the application of these very specific rules in office settings does not seem appropriate</p>	<p><u>Committee:</u> The regulations are intended to establish a basic legal requirement for OHS, and though not all requirements are applicable to all workplaces all the time, situations may arise where they become applicable. An office setting is another type of work site and it also has hazards, be they from toxic substances, asbestos-containing materials, violence, harassment etc.</p>
<p><u>Stakeholders:</u> Quantification of costs should be done by SAC and not just by industry</p>	<p><u>Committee:</u> The Committee understood this comment as a concern over the potential costs of developing and implementing policies and programs to ensure compliance with the proposed regulations.</p> <p>The Safety Advisory Committee does not quantify</p>

	<p>costs.</p> <p>Costs will depend on where the organization is in the safety spectrum. Quantification could not be done in a broad sense as each organization is at a different point in its safety development. Every organization would have to do analysis specific to the organization’s OHS status.</p>
<p><u>Stakeholders:</u> Apart from our concerns with the overall thrust of this regulatory project, we are also hearing from our members and representatives of other business associations about many of the costly, disruptive, changes proposed including those around notice provisions, reporting of dangerous occurrences, and personal protective equipment.</p>	<p><u>Committee:</u> The purpose of the consultation was to gain insight from stakeholders on the proposed revised draft regulations. The consultation was highly successful and resulted in strong contribution and participation. Significant revisions have been made to sections 7, 8-9, 35-37 and Part 7 (PPE) to which this comment refers.</p>
<p><u>Stakeholders:</u> The draft regulations succeed to:</p> <ul style="list-style-type: none"> • Integrate all existing Safety Act regulations into one single set of regulations. • Adopt an organizational structure similar to most western Canadian provinces • Recognize and facilitate the partnership between employers and workers for occupational health and safety at the work site. • Enhance the role for Joint Worksite Health and Safety Committees. • Have less intervention by the Chief Safety Officer, and safety officers, in non-serious matters that employers and workers can resolve. • Facilitate the use of Codes of Practice (Guidelines, Standards) and an on-going role for employers, workers, and other stakeholders in their development. [Provided input is based on science and safety and not on minority lobbying for a particular concession] • Have a greater role for preventive measures (e.g., hazard assessments, programs, plans, etc.). [This is the most valuable of the changes] • Update requirements for Personal Protective Equipment, including fall arrest systems. [Provided consistent with safety science and CSA standards] • Deal with harassment and violence at the work site. • Include new requirements for noise control and hearing conservation. (Provided based 	<p><u>Committee:</u> Committee notes these points.</p>

<p>on sound safety and health science)</p> <ul style="list-style-type: none">• Revise the Workplace Hazardous Materials Information System (WHMIS) to bring the NWT and NU into harmony with national legislation.• Provide for radiation safety, including protection of pregnant workers.• Bring provisions concerning asbestos up to the same standards as in western Canada.• New provisions concerning forestry and mill operations.• Establish additional protections for electrical workers, health care workers, and fire fighters. Ensure all provisions throughout the draft regulations are set up to facilitate enforcement to clearly identify non-criminal regulatory offences where they are contravened.	
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PART THREE

Consultation Draft, Revised Draft and Comments and Analysis

June 2010	September 2011	Comments and Analysis
SAFETY ACT	SAFETY ACT	
OCCUPATIONAL HEALTH AND SAFETY REGULATIONS	OCCUPATIONAL HEALTH AND SAFETY REGULATIONS	
The Commissioner, on the recommendation of the Minister, under section 25 of the <i>Safety Act</i> and every enabling power, makes the <i>Occupational Health and Safety Regulations</i> .	The Commissioner, on the recommendation of the Minister, under section 25 of the <i>Safety Act</i> and every enabling power, makes the <i>Occupational Health and Safety Regulations</i> .	
INTERPRETATION	INTERPRETATION	
1. In these regulations,	1. In these regulations,	
	"accident causing serious bodily injury" means an accident at a work site that <ul style="list-style-type: none"> (a) causes or may cause the death of a person, or (b) will require a person to be admitted to a hospital as an in-patient for a period of 24 hours or more; 	<u>Committee</u> : The definition is added to section 1. This also has the effect of making sections 8 and 9 more readable. See comments at sections 8 and 9 (applicable to "dangerous occurrences" too.)
"air-purifying respirator" means a respirator that removes airborne contaminants from the air inhaled by a worker;	"air-purifying respirator" means a respirator that removes airborne contaminants from the air inhaled by a worker;	
"approved" means <ul style="list-style-type: none"> (a) approved by an agency acceptable to the Chief Safety Officer for use under the conditions prescribed by the agency, or (b) approved conditionally or otherwise by a certificate of the Chief Safety Officer; 	"approved" means <ul style="list-style-type: none"> (a) approved by an agency acceptable to the Chief Safety Officer for use under the conditions specified by the agency, or (b) approved conditionally or otherwise by a certificate of the Chief Safety Officer; 	<u>Stakeholders</u> : <ul style="list-style-type: none"> • What agencies are acceptable? • If something complies with a relevant CSA standard it should not require approval of the CSO; otherwise you have to keep checking with the CSO before buying any item. Suggested revision: "(a) in compliance with the relevant CSA standard or approved by an agency

		<p>acceptable to the CSO for use under the conditions prescribed by the agency".</p> <p><u>Committee</u>: The proposed definition allows the CSO to approve unique standards developed by an employer or industry. This gives the CSO more flexibility than the suggested revision.</p> <p>The word "prescribed" has been replaced with "specified". "Prescribed" suggests that the agency has regulation making powers, which is not correct.</p>
"atmosphere-supplying respirator" means a respirator that delivers clean breathing air to a worker from a compressor or a cylinder, an SCBA, whether closed or open circuit, or a combination of SCBA and supplied air;	"atmosphere-supplying respirator" means a respirator that delivers clean breathing air to a worker from a compressor or a cylinder, an SCBA, whether closed or open circuit, or a combination of SCBA and supplied air;	
"borehole" means a mechanically drilled hole in the ground;	"borehole" means a mechanically drilled hole in the ground;	
"building shaft" means a continuous vertical space substantially enclosed on all sides that extends for two or more floors, and includes an elevator shaft, a ventilation shaft, a stairwell and a service shaft;	"building shaft" means a continuous vertical space substantially enclosed on all sides that extends for two or more floors, and includes an elevator shaft, a ventilation shaft, a stairwell and a service shaft;	
		<p><u>Stakeholders</u>: Add definition of "Committee".</p> <p><u>Committee</u>: Not necessary, as the term is defined in the Act, so the same definition applies in the regulations.</p>
"competent" means possessing knowledge, experience and training to perform a specific duty;	"competent" means possessing knowledge, experience and training to perform a specific duty;	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • Definition differs from employer's internal definition: will need clarification in order to achieve compliance. • Does not include reference to the "supervisor certificate". • Suggest change in text to read: "... means possessing and demonstrating

		<p>knowledge...”</p> <ul style="list-style-type: none"> • If employer does not mean supervisor then who is responsible to ensure workers comply with regulations? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Provisions on supervisors and certificates have changed significantly; see sections 19 to 21. • “Demonstrating” is covered by experience. Using "demonstrating experience and training" would make the construction more complicated than it needs to be.
<p>"competent worker", with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training;</p>	<p>"competent worker", with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close supervision during that training;</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Confusion between "supervisor" and "worker". • It would be expected that a competent worker would already be trained and possess the necessary skills, ability, knowledge, and as required, certification or education to perform the work. • The definition raises the question of criteria for competent supervision. • Confusion in the use of "competent", "competent worker" and "qualified". • Does the definition require direct supervision for new tasks until an acceptable level of competence is reached? • How can an owner or employer hire contractors to complete work it is not competent to perform itself? The employer/owner would not be in a position to supervise the work. • Concern raised as to how this relates to employer responsibility under s. 4.

		<ul style="list-style-type: none"> Does not include reference to the "supervisor certificate". <p><u>Committee:</u> Possible confusion over the effect of section 24 caused by the placement of "and competent" before "supervision" in the definition of "competent worker". Corrected.</p>
<p>"conductor" includes a wire, cable or other metal component installed for the purpose of conveying electric current from one piece of equipment to another or to ground;</p>	<p>"conductor" includes a wire, cable or other metal component installed for the purpose of conveying electric current from one piece of equipment to another or to ground;</p>	
<p>"confined space" means an enclosed or partially enclosed space that is not designed or intended for continuous human occupancy with a restricted means of entry or exit;</p>	<p>"confined space" means an enclosed or partially enclosed space that is not designed or intended for continuous human occupancy with a restricted means of entry or exit;</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> Is this "confined space" definition intended to be more restrictive than the previous definition? The old definition had caveat for dangerous conditions or atmospheres. New definition will increase the number of locations where this definition applies. It would assist to have a definition of "continuous human occupancy". Definition needs further explanation. <p><u>Committee:</u> "confined space" is defined in subsection 1(1) of the <i>General Safety Regulations</i> (GSRs) as:</p> <p>"confined space" means a bin, pipeline, pit, sewer, silo, tank, tunnel, utilities vault, vat, vessel or other enclosed or partially enclosed space having restricted access and egress and which, owing to its design, construction, location, atmosphere, the materials or substances in it or other conditions, is or may become immediately dangerous to the life or health of a worker required to enter it;</p>

		<p>Part 18 (Confined Space Entry) of the proposed regulations, at section 283, differentiates between general confined spaces and “hazardous confined spaces”. The current definition in the GSRs really defines a “hazardous confined space”.</p> <p>It is not necessary to define "continuous human occupancy", as the ordinary meaning of the words will be used by a court to interpret the definition.</p>
<p>“connecting linkage” means a lanyard, safety hook, cable or connector inserted between a personal fall arrest system and the D-ring on a worker’s full-body harness;</p>	<p>“connecting linkage” means a lanyard, safety hook, cable or connector inserted between a personal fall arrest system and the D-ring on a worker’s full-body harness;</p>	
<p>"construction" means an erection, alteration, renovation, repair, dismantlement, demolition, structural maintenance or painting of a structure, and includes</p> <ul style="list-style-type: none"> (a) land clearing, earthmoving, grading, excavating, trenching, digging, boring, drilling, blasting and concreting, and (b) installation of any plant; 	<p>"construction" means an erection, alteration, renovation, repair, dismantlement, demolition, structural maintenance or painting of a structure, and includes land clearing, earthmoving, grading, excavating, trenching, digging, boring, drilling, blasting and concreting.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Suggest use of "any" over "an" in definition of construction • “Construction” must be clarified: the definition is so broad it encompasses everything many organisations do. Adding points from the current regulations would provide a better breakdown for interpretation. • Schedule A deems all construction High Hazard work. Are all types of construction listed in the definition considered to be high hazard? E.g., alterations and renovations such as hanging and painting of drywall? • Definitions not included in the draft need to be added, such as: <ol style="list-style-type: none"> 1. Construction site 2. Emergency Repair 3. Owner 4. Preventative Maintenance (building related)

		<p><u>Committee</u>: Drafting conventions require use of the singular form and “a” or “an” instead of “any”.</p> <p>The GSR definition of “construction site” includes substantially what is included in the proposed definition of “construction”: “construction site” means a work site where a building or structure is being erected, altered, repaired, wired, fitted with pipes, painted, dismantled or demolished, or a work site where land is being cleared, graded, excavated, trenched, drilled or blasted, or covered with tarmac or cement;</p> <p>The manner of use of Schedule A has changed along with the way in which high hazard is used in section 7 of the draft. These provisions are now applicable only to first aid requirements.</p> <p>“Owner” is included in the definition of “employer” in the Act.</p> <p>“Emergency repair” and “preventative maintenance” are covered by the proposed definition (renovations, structural maintenance, alterations etc.).</p>
<p>"controlled product" means any product, material or substance specified by the regulations made under paragraph 15(1)(a) of the <i>Hazardous Products Act</i> (Canada) to be included in any of the classes listed in Schedule II of that Act; (<i>produit contrôlé</i>)</p>	<p>"controlled product" means any product, material or substance specified by the regulations made under paragraph 15(1)(a) of the <i>Hazardous Products Act</i> (Canada) to be included in any of the classes listed in Schedule II of that Act; (<i>produit contrôlé</i>)</p>	
<p>"container" means a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or</p>	<p>"container" means a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or</p>	

receptacle;	receptacle;	
"contaminant" means chemical, biological or radiological material in a concentration that will likely endanger the health and safety of a worker if it is inhaled, ingested or absorbed;	"contaminant" means chemical, biological or radiological material in a concentration that will likely endanger the health and safety of a worker if it is inhaled, ingested or absorbed;	
	<p>"dangerous occurrence" means an occurrence that does not result in, but could have resulted in, an accident causing serious bodily injury, and includes</p> <ul style="list-style-type: none"> (a) the structural failure or collapse of <ul style="list-style-type: none"> (i) a structure, scaffold, temporary falsework or concrete formwork, or (ii) an excavated shaft, tunnel, caisson, coffer dam, trench or excavation, (b) the failure of a crane or hoist or the overturning of a crane or powered mobile equipment, (c) the accidental contact of an energized electrical conductor, (d) the bursting of a grinding wheel, (e) the uncontrolled spill or escape of a toxic, corrosive or explosive substance, (f) the premature detonation or accidental detonation of explosives, (g) the failure of an elevated or suspended platform, or (h) the failure of an atmosphere-supplying respirator; 	<p><u>Committee</u>: The list of situations in the definition of "dangerous occurrence" "includes" paragraphs (a) to (h), but is not an all-encompassing list. Other situations that could result in an "accident causing serious bodily injury" are not excluded by the definition.</p> <p>This definition is incorporated from section 9 of the consultation draft.</p>
"dBA" means the sound pressure level in decibels measured on the A scale of a sound level meter;	"dBA" means the sound pressure level in decibels measured on the A scale of a sound level meter;	
"designated signaller" means a worker designated pursuant to paragraph 147(1)(a) to give signals;	"designated signaller" means a worker designated pursuant to paragraph 147(1)(a) to give signals;	
	"emergency medical technician" or "EMT" means	<u>Committee</u> : This definition is reworked and

	<p>a person who</p> <ul style="list-style-type: none"> (a) holds at least a valid Level 2 qualification, (b) has completed an approved course of emergency medical technologist training, (c) possesses an approved amount of experience as an emergency medical technician, and (d) is licensed by an approved agency; 	<p>moved from Part 5 to section 1 so as to achieve a global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules.</p>
<p>"employer" does not include a supervisor or self-employed person;</p>	<p>Removed.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • If employer does not mean supervisor then who is responsible to ensure workers comply with regulations? • What is the reasoning behind the employer not including a supervisor? Throughout the regulations there are distinctions between the role of the supervisor and the employer. In many of our environments the supervisor is the most appropriate person to deal with occupational health and safety issues, especially in remote communities where the next level supervisor is not in the community or region. • The "employer" definition, when read with the "supervisor" and "worker" definitions, suggests that the "employer" for the Public Service is the Minister responsible for the public service: all others including deputy heads and Ministers responsible [for agencies would be "supervisors" and so excluded from the definition]. • The exclusion of supervisors creates a loophole in that if an employer is a supervisor then nothing in the

		<p>regulations applies to them.</p> <ul style="list-style-type: none"> • How or do the definitions of "employer" and "worker" in these regulations correspond to the definitions under the <i>Workers Compensation Act</i>? The different definitions may generate confusion and inconsistency. • This is an exclusion, not a definition. <p><u>Committee:</u> "Employer" is defined in s. 1 of the <i>Safety Act</i>:</p> <p>"employer" means every partnership, group of persons, corporation, owner, agent, principal contractor, subcontractor, manager or other authorized person having charge of an establishment in which one or more workers are engaged in work;</p> <p>That definition, like all definitions in the Act, carries through into regulations made under the Act (<i>see</i>: section 15 of the <i>Interpretation Act</i>, R.S.N.W.T. 1988, c.1-8). [section 16 in Nunavut]</p> <p>The definition is removed given the changes to "supervisor" elsewhere. The definitions of "employer" and "worker" in the <i>Workers Compensation Act</i> have no relevance to how those terms are defined in the <i>Safety Act</i>.</p>
<p>"equipment" means any mechanical or non-mechanical article or device, and includes any machine, tool, appliance, apparatus, implement, service or utility, but does not include the personal property owned by an individual unless that property is used in the carrying on of an occupation;</p>	<p>"equipment" means any mechanical or non-mechanical article or device, and includes any machine, tool, appliance, apparatus, implement, service or utility, but does not include the personal property owned by an individual unless that property is used in the carrying on of any work;</p>	
<p>"escape respirator" means an atmosphere-</p>	<p>"escape respirator" means an atmosphere-</p>	

supplying respirator or an air-purifying respirator that is designed to be used by a worker for escape purposes only;	supplying respirator or an air-purifying respirator that is designed to be used by a worker for escape purposes only;	
"excavated shaft" means a passage dug out into the ground, the longest dimension of which exceeds 1.5 m and of which the acute angle between the axis of the longest dimension and the vertical is less than 45°;	"excavated shaft" means a passage dug out into the ground, the longest dimension of which exceeds 1.5 m and of which the acute angle between the axis of the longest dimension and the vertical is less than 45°;	
"excavation" means any dug-out area of ground other than a trench, tunnel or excavated shaft;	"excavation" means any dug-out area of ground other than a trench, tunnel or excavated shaft;	
"first aid" means immediate assistance given in case of injury until medical aid has been obtained;	"first aid" means immediate assistance given in case of injury until medical aid has been obtained;	
	"first aid attendant" means a holder of a valid <ul style="list-style-type: none"> (a) first aid qualification, (b) licence or approval as an emergency medical technician, or (c) licence, certificate or other qualification that, in the opinion of the Chief Safety Officer, is equivalent to or superior to a qualification set out in paragraphs (a) to (b); 	<u>Committee</u> : This definition is reworked and moved from Part 5 to section 1 so as to achieve a global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules.
	"first aid qualification" means a qualification in first aid issued by an approved agency to a person who has followed a course of instruction set out in <ul style="list-style-type: none"> (a) Schedule D for a Level 1 qualification, or (b) Schedule E for a Level 2 qualification; 	<u>Committee</u> : This definition is reworked and moved from Part 5 to section 1 so as to achieve a global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules.
"forklift" means a self-propelled machine that has a power operated upright, angled or telescoping lifting device that can raise and lower a load for the purpose of transporting or stacking;	"forklift" means a self-propelled machine that has a power operated upright, angled or telescoping lifting device that can raise and lower a load for the purpose of transporting or stacking;	
"full-body harness" means a safety device that is	"full-body harness" means a safety device that is	<u>Stakeholders</u> : "full-body harness" This will

<p>capable of suspending a worker without causing the worker to bend at the waist, and consists of straps that pass over the worker's shoulders and around the worker's legs, an upper dorsal suspension assembly and all integral hardware;</p>	<p>capable of suspending a worker without causing the worker to bend at the waist, and consists of straps that pass over the worker's shoulders and around the worker's legs, an upper dorsal suspension assembly and all integral hardware;</p>	<p>require all linemen to wear a full body harness, as only this definition is acceptable, unlike present regulations where harnesses are dependent on the task, risk and environment.</p> <p><u>Committee</u>: In the current regulations "body harness" is used but is not a defined term. In s. 58 an employer is required to ensure that a body harness complies with CAN/CSA-Z259.10-M90.</p> <p>The proposed definition does not require anything to be done: a requirement to wear a full-body harness is set out in ss. 117(2)(b), 140(3), 204(4), 205(2)(c), 223(2)(e) and 291(5)(a)(i) and (b). However, these are not the only times when such PPE may be required. General provisions of the Act and regulations concerning hazard assessment and safe work practices always apply, and may indicate that such equipment is needed in other situations as well.</p>
<p>"hand tool" means hand-held equipment that depends on the energy of the worker for its direct effect and it does not have a pneumatic, hydraulic, electrical or chemical energy source for its operation;</p>	<p>"hand tool" means hand-held equipment that depends on the energy of the worker for its direct effect and it does not have a pneumatic, hydraulic, electrical or chemical energy source for its operation;</p>	
<p>"harmful" means known to cause harm or injury;</p>	<p>"harmful" means known to cause harm or injury;</p>	
<p>"hazardous" means likely to cause harm or injury in certain circumstances;</p>	<p>"hazardous" means likely to cause harm or injury in certain circumstances;</p>	
	<p>"hazardous substance" means a controlled product or any other product, material or substance that is hazardous;</p>	
<p>"HEPA filter" means a high-efficiency particulate aerosol filter that is at least 99.97% efficient in collecting a 0.3 µm aerosol;</p>	<p>"HEPA filter" means a high-efficiency particulate aerosol filter that is at least 99.97% efficient in collecting a 0.3 µm aerosol;</p>	
<p>"high hazard work" means work activity described in Schedule A;</p>	<p>"high hazard work" means work activity described in Schedule A;</p>	<p><u>Stakeholders</u>: -"high hazard work" This does not negate the need to conduct a work site hazard</p>

		<p>analysis for other jobs not identified as high hazard in the table, and can lead to oversight by workers doing less than high hazard work.</p> <p><u>Committee:</u> Agree: the hazard recognition program is embedded in s. 28(1)(b) of the regulations, as part of the overall OHS Program for a work site, and applies all work, not just to “high hazard work”.</p> <p>A number of concerns were raised over the “high hazard work” definition in connection with notification requirements under subsection 7(2) of the draft regulations. The definition is sound, but other concerns are valid, and are dealt with under section 7.</p>
"highway" means a highway as defined in the <i>Motor Vehicles Act</i> ;	"highway" means a highway as defined in the <i>Motor Vehicles Act</i> ;	<p><u>Stakeholders:</u> "highway" This legislation needs to reference NT regulations or Acts.</p> <p><u>Committee:</u> -The definition does reference the NT/NU <i>Motor Vehicles Act</i>. It is not necessary to include a full citation (e.g., R.S.N.W.T. 1984, c. XX) when referencing a territorial Act in another territorial Act or regulation.</p>
"hoist" means a machine that consists of a raising and lowering mechanism;	"hoist" means a machine that consists of a raising and lowering mechanism;	
"injury" includes any disease and any impairment of the physical or mental condition of a person;	"injury" includes any disease and any impairment of the physical or mental condition of a person;	<p><u>Stakeholders:</u> -some concern that the definition of "injury" is very wide, and may increase compensation claims under the <i>Workers' Compensation Act</i>. It is not defined in the current regulations.</p> <p><u>Committee:</u> -The <i>Safety Act</i> is generally independent of the <i>Workers' Compensation Act</i>, with a few exceptions. The <i>Safety Act</i> is not concerned with compensation but with OHS. The confusion is a common one. Where a worker has</p>

		an “injury” at a work site, the matter is still an OHS matter regardless of any compensation issues.
"instruct" means to give information and direction to a worker with respect to a particular subject-matter;	"instruct" means to give information and direction to a worker with respect to a particular subject-matter;	
	"isolated work site" means a work site (a) that is more than 2 hours’ travel time from a hospital or medical facility under normal travel conditions using available means of surface transportation, or (b) for which transport by aircraft is the normal mode of transport;	<u>Committee</u> : This definition is reworked and moved from Part 5 to section 1 so as to achieve a global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules.
	"Level 1 qualification" means a certificate or certificates that (a) are issued by an agency, as defined in section 61, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for course duration and content set out in Schedule D, and (b) qualify the holder to perform the services set out in Schedule D.1;	<u>Committee</u> : This definition is reworked and moved from Part 5 to section 1 so as to achieve a global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules.
	"Level 2 qualification" means a certificate or certificates that (a) are issued by an agency, as defined in section 61, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for course duration and content set out in	<u>Committee</u> : This definition is reworked and moved from Part 5 to section 1 so as to achieve a global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules.

	Schedule E, and (b) qualify the holder to perform the services set out in Schedule E.1;	
“lifeline” means a length of rope or strap that is attached to a safe point of anchorage at one end or, in the case of a horizontal lifeline, at both ends to provide support and a guide for a personal fall arrest system or personnel lowering device;	“lifeline” means a length of rope or strap that is attached to a safe point of anchorage at one end or, in the case of a horizontal lifeline, at both ends to provide support and a guide for a personal fall arrest system or personnel lowering device;	
"locked out" means to have isolated all energy sources from equipment, to have dissipated any residual energy in a system and to have secured the isolation by a device that is operated by a key or other process;	"locked out" means to have isolated all energy sources from equipment, to have dissipated any residual energy in a system and to have secured the isolation by a device that is operated by a key or other process;	<p><u>Stakeholders</u>: This is a much higher standard than the previous one - is it realistic given the breadth of people and equipment across the North?</p> <p><u>Committee</u>: The new definition differs from the old one. The current definition in section 1 of the GSRs is more preoccupied with the physical locking out of controls; "locked out" means a condition that prevents movement of control devices to the "operating" or "on" position;</p> <p>It does not concern energy or the dissipation of stored energy or the securing of the key for removal of the lock. Consider an electronic device that remains energized once the power is switched off. The definition is rooted in physics, and does not impose an obligation one way or another. Current definition may confuse some form of guard or safeguard with locking out. See section 157 for further discussion.</p>
“low-hazard work” means work of an administrative, professional or clerical nature that does not require substantial physical exertion or exposure to potentially hazardous conditions, work processes or substances;	“low hazard work” means work of an administrative, professional or clerical nature that does not require substantial physical exertion or exposure to potentially hazardous conditions, work processes or substances;	
"machine" means any instrument employed to produce, modify or transmit force;	"machine" means any combination of mechanical parts that transmits from one part to another or	<u>Committee</u> : modified to include motion and energy. See: comments at section 446. Limiting

	otherwise modifies force, motion or energy;	to "transmission of force" is too constraining.
"maintained" means kept in an efficient and safe functioning condition by a system of regular examination, testing and servicing or repair;	"maintained" means kept in an efficient and safe functioning condition by a system of regular examination, testing and servicing or repair;	
"manufacturer's specifications" means (a) the written specifications, instructions or recommendations provided by the manufacturer of equipment or supplies that describe how the equipment or supplies are to be constructed, erected, installed, assembled, examined, inspected, started, operated, used, handled, stored, stopped, calibrated, adjusted, maintained, repaired or dismantled, or (b) an instruction, maintenance and operating manual, including any diagrams, for equipment or supplies;	"manufacturer's specifications" means (a) the written specifications, instructions or recommendations provided by the manufacturer of equipment or supplies that describe how the equipment or supplies are to be constructed, erected, installed, assembled, examined, inspected, started, operated, used, handled, stored, stopped, calibrated, adjusted, maintained, repaired or dismantled, or (b) an instruction, maintenance and operating manual, including any diagrams, for equipment or supplies;	
	"medical professional" means a person who practises any of the healing arts pursuant to an enactment;	<u>Committee</u> : This definition replaces that of "physician". The revision present in item 8 of Volume 1 at page 47 is: "medical practitioner" means a medical practitioner as defined in section 1 of the <i>Medical Profession Act</i> ; That proposed definition, on subsequent review, still does not achieve what was intended. It is reworked as "medical professional" as revised. "Medical professional" is a broader class of persons, including physicians and nurses. This is reasonable given the limited availability of physicians in the North.
"occupational health and safety representative" means the occupational health and safety representative designated under section 46;	Moved to "representative".	<u>Committee</u> : "Occupational health and safety representative" is simplified to "representative".

<p>“personal fall arrest system” means personal protective equipment that provides a means of safely arresting the fall of a worker and that, subsequent to the arrest of the fall, does not by itself permit the further release or lowering of the worker;</p>	<p>“personal fall arrest system” means personal protective equipment that provides a means of safely arresting the fall of a worker and that, subsequent to the arrest of the fall, does not by itself permit the further release or lowering of the worker;</p>	<p><u>Stakeholders:</u> "personal fall arrest system" Needs to be approved system: insert the word "approved" before the word “personal”, here and elsewhere.</p> <p><u>Committee:</u> A "personal fall arrest system" is defined as a type of PPE. Part 7 and section 111 apply, and under s. 111(1) an employer must ensure that this type of PPE is “approved” and maintained. The proposed change, put in a definition, would not properly identify who has the obligation to ensure that only approved equipment is used.</p> <p>“Approved” is a defined term, meaning either approved by the CSO or by an agency acceptable to the CSO.</p>
<p>"personal protective equipment" means any clothing, device or other article that is intended to be worn or used by a worker to prevent injury or to facilitate rescue;</p>	<p>"personal protective equipment" means any clothing, device or other article that is intended to be worn or used by a worker to prevent injury or to facilitate rescue;</p>	
<p>"personnel lowering device" means a device that provides a means of lowering a worker from a height at a controlled rate of descent;</p>	<p>"personnel lowering device" means a device that provides a means of lowering a worker from a height at a controlled rate of descent;</p>	
<p>"physician" means a physician as defined in subsection 1(1) of the <i>Workers' Compensation Act</i>;</p>	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Where terms are defined in more than one piece of legislation, it is preferable to refer to the "home" legislation (in this case, the <i>Medical Care Act</i>) for a definition of physician. • Should "physician" be used or "medical professional"? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Definition removed and replaced by “medical professional”. • The revision present in item 8 of Volume

		<p>1 at page 47 is: "medical practitioner" means a medical practitioner as defined in section 1 of the <i>Medical Profession Act</i>; That proposed definition, on subsequent review, still does not achieve what was intended. It is reworked as "medical professional" as revised. "Medical professional" is a broader class of persons, including physicians and nurses. This is reasonable given the limited availability of physicians in the North.</p>
"plant" includes any premises, site, land, water, structure, fixture or equipment employed or used in the carrying on of an occupation;	Removed	<u>Committee</u> : changes all instances of plant to "work site" where appropriate.
"powered mobile equipment" means a self-propelled machine or a combination of machines, including a prime mover, that is designed to manipulate or move materials or to provide a work platform for workers;	"powered mobile equipment" means a self-propelled machine or a combination of machines, including a prime mover, that is designed to manipulate or move materials or to provide a work platform for workers;	<p><u>Stakeholders</u>: PME is addressed in Part 11. "Vehicle" is not defined in Part 11. The definition of PME in s. 1 does not mention the word "vehicle" but rather "machine". Therefore the way the definitions are set up, PME might not necessarily be a vehicle since not every item of equipment is a vehicle.</p> <p><u>Committee</u>: The definition of "vehicle", below, specifically includes a unit of PME as a vehicle, so it does not need to be specified in this definition.</p>
"principal contractor" means a person who signs an agreement to undertake a project for an owner, and may include an owner who undertakes all or part of a project themselves or by one or more employers;	Removed	<p><u>Stakeholders</u>: -"principal contractor" This definition may conflict with section 4.</p> <p><u>Committee</u>: Removed. Note that a "principal contractor" is a type of employer; see s. 1 of the Act under the definition of "employer".</p>
"professional engineer" means a professional engineer as defined in subsection 1(1) of the <i>Engineering and Geoscience Professions Act</i> ;	"professional engineer" means a professional engineer as defined in subsection 1(1) of the <i>Engineering and Geoscience Professions Act</i> ;	<u>Stakeholders</u> : Add "qualified" to the definition of "professional engineer".

		<p><u>Committee</u>: Not necessary: “qualification” is inherent in the “professional” designation.</p>
<p>"qualified" means possessing a recognized degree, a recognized certificate or recognized professional standing and demonstrating, by knowledge, training and experience, an ability to deal with problems related to a particular subject-matter, work or project;</p>	<p>"qualified" means possessing a recognized degree, a recognized certificate or recognized professional standing and demonstrating, by knowledge, training and experience, an ability to deal with problems related to a particular subject-matter, work or project;</p>	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • Re: "qualified" implies a worker is unqualified without a degree, certificate or professional standing. This appears too narrow and inappropriate for realities in the North. • In various sections of the proposed regulations the following terms are used: <ul style="list-style-type: none"> ○ Properly qualified ○ Competent and qualified ○ Duly qualified ○ Qualified • Consistency of language is important, are all qualifiers necessary and to do they each have different meaning? We need this clarified. <p><u>Committee</u>: Consider definitions of "competent", "competent worker" and "qualified":</p> <p>"competent" means possessing knowledge, experience and training to perform a specific duty;</p> <p>"competent worker", with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close supervision during that training;</p> <p>"qualified" means possessing a recognized degree, a recognized certificate or recognized professional standing and demonstrating, by knowledge, training and experience, an ability to deal with problems</p>

		<p>related to a particular subject-matter, work or project;</p> <p>"Competent" and "qualified" are related, with "qualified" being a subset of "competent". Any person who is qualified must be competent, because the act of demonstrating ability indicates possession of the required knowledge, training and experience. All work should be done by "competent" workers; only some work needs to be done by "qualified" workers, who are specialists in a particular field.</p> <p>The qualifiers "duly", "properly" or "competent and qualified" are problematic. "Competent and qualified" is redundant in that a person who is qualified is by definition competent (in that field). "Duly" and "properly" also conflict with the definition of "qualified": one is either qualified or not. These are removed in the revision.</p>
	"representative" means the occupational health and safety representative designated under section 46;	<u>Committee</u> : New, but was "occupational health and safety representative".
"respiratory protective device" means a device that is designed to protect a wearer from inhaling a hazardous atmosphere, and includes an atmosphere-supplying respirator, an air-purifying respirator and an escape respirator;	"respiratory protective device" means a device that is designed to protect a wearer from inhaling a hazardous atmosphere, and includes an atmosphere-supplying respirator, an air-purifying respirator and an escape respirator;	
"safeguard" means a guard, shield, wire mesh, guardrail, gate, barrier, safety net, handrail or other similar equipment that is designed to protect the safety of workers, but does not include personal protective equipment;	"safeguard" means a guard, shield, wire mesh, guardrail, gate, barrier, safety net, handrail or other similar equipment that is designed to protect the safety of workers, but does not include personal protective equipment;	
"SCBA" means self-contained breathing apparatus;	"SCBA" means self-contained breathing apparatus;	
"specifications" other than manufacturer's specifications, includes written or printed	"specifications" other than manufacturer's specifications, includes written or printed	

<p>instructions, procedures, drawings or other documents of a professional engineer or employer relating to equipment, supplies, a work process or an operation;</p>	<p>instructions, procedures, drawings or other documents of a professional engineer or employer relating to equipment, supplies, a work process or an operation;</p>	
<p>"supervisor" means an individual who is authorized by an employer to oversee or direct workers and includes a diving supervisor;</p>	<p>"supervisor" means an individual who is authorized by an employer to oversee or direct workers;</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This will also apply to project monitors and lead hands as they influence or direct other employees or contractors to a certain degree. Section 20 means that all of these monitors and lead hands will need to be certified under the proposed regulations. All electrical maintenance & construction works are considered high hazard under these regulations. • In the definition of “employer”, a supervisor is identified as not being an employer. This appears to be an inappropriate distinction for this legislation. • Given other comments, is the supervisor certificate something that should remain? • Is it necessary to mention a diving supervisor? <p><u>Committee:</u> See comments on supervisors and certificates at sections 19 to 21. The defining of “employer” is removed so the second bullet is addressed. Reference to “a diving supervisor” is not necessary and is removed from the definition.</p>
<p>"train" means to give information and explanation to a worker with respect to a particular subject-matter and require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;</p>	<p>"train" means to give information and explanation to a worker with respect to a particular subject-matter and require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;</p>	<p><u>Stakeholders:</u> It must be made clear that training does not imply that the trainer is a supervisor or is supervising the trainee. Otherwise, trainers will also need to be certified as supervisors. This would conflict with the definition of "supervisor."</p>

		<p><u>Committee:</u> The training described under subsection 24(1) is limited to OHS matters at a particular worksite. There is no authority under the <i>Safety Act</i>, and no intent under the proposed regulations, to regulate any other aspect of professional, trades or occupational training. See section 24 comments.</p>
"trench" means an elongated dug-out area of land where its depth exceeds its width at the bottom;	"trench" means an elongated dug-out area of land where its depth exceeds its width at the bottom;	
"tunnel" means an underground passage that has an incline of not more than 45° from the horizontal;	"tunnel" means an underground passage that has an incline of not more than 45° from the horizontal;	
<p>"vehicle" means a machine in, on or by which a person or thing may be transported and includes</p> <ul style="list-style-type: none"> (a) a motor vehicle as defined in section 1 of the <i>Motor Vehicles Act</i>, (b) an all-terrain vehicle as defined in subsection 1(1) of the <i>All-terrain Vehicles Act</i>, (c) a unit of powered mobile equipment, and (d) a firefighting vehicle as defined in section 478; 	"vehicle" means a machine in, on or by which a person or thing may be transported and includes a unit of powered mobile equipment;	<p><u>Stakeholders:</u> Is this not defined under powered mobile equipment? Are all vehicles also powered mobile equipment, but all powered mobile equipment are not motor vehicles?</p> <p><u>Committee:</u> PME is addressed in Part 11. "Vehicle" is not defined in Part 11. The definition of PME, above, does not use the word "vehicle" but rather "machine". PME as defined by itself would not necessarily be a "vehicle", since not every machine or item of equipment is a vehicle. This definition makes it clear that in these regulations "vehicle" includes a unit of PME.</p> <p>On review, it is not necessary to include paragraphs (a), (b) and (d) in the definition, so they are struck out. Para (c) is necessary.</p> <p><u>Stakeholders:</u> Revisiting smoking: Is a vehicle an enclosed work site? And does section 88 apply?</p> <p><u>Committee:</u> There is no definition of "enclosed work site" in the draft regulations, so the ordinary meaning of "enclosed" applies. A cab</p>

		<p>could be an enclosed work site, but an open cab is probably not enclosed. Section 88 is the embodiment of the current <i>Environmental Tobacco Worksite Smoke Regulations</i>; it will apply in the same way as those regulations.</p>
<p>"work" and "at work" means (a) the time during which a worker is engaged in work for an employer, or (b) the time that a self-employed person devotes to work as a self-employed person;</p>	<p>"work" and "at work" means (a) the time during which a worker is engaged in work for an employer, or (b) the time that a self-employed person devotes to work as a self-employed person;</p>	<p><u>Stakeholders:</u> This conflicts with previous practice, as a worker travelling to work has been granted benefits by WSCC, even though the person had not arrived at work [when the incident giving rise to a claim occurred].</p> <p><u>Committee:</u> These regulations do not address workers' compensation issues. They address safety. Compensation is outside the scope of the <i>Safety Act</i> and the mandate of the SAC.</p>
<p>"worker" includes a supervisor and a self-employed person.</p>	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Are the definitions of "worker" in the regulation and in the Act to be read together, or are they clearly distinguished for the purpose of interpretation? • Much greater clarity is required on who exactly is the employer, to ensure that the right persons are informed and understand their role and responsibilities. • In large and complex organizations, such as government, where staff from one department may provide services in another department, there needs to be information and education on this issue. • Re: "worker" - Not a definition, simply an inclusion. <p><u>Committee:</u> The original intent of this provision was to balance the definition of "employer" but that definition is being removed from the</p>

		regulations. This provision will be struck out as well. The definition as originally drafted creates confusion with the definitions for “worker” and “employer” in the Act. Those definitions apply.
APPLICATION	APPLICATION	
2. These regulations do not apply to (a) any activity carried on in a mine, as defined in section 1 of the Mine Health and Safety Act; or (b) any activity described in section 3 of the Canada Oil and Gas Operations Act.	2. These regulations do not apply to any activity carried on in a mine, as defined in section 1 of the <i>Mine Health and Safety Act</i> .	<u>Stakeholders</u> : A number of comments were received from mine operators, exploration companies and oil and gas/pipeline companies, concerned about whether some or all of these regs would apply to their operations. <u>Committee</u> : The <i>Mine Health and Safety Act</i> is a separate legislative regime governing OHS in mines. The reference to the federal statute is not necessary as the <i>Safety Act</i> does not apply to such sites or any other federal site for constitutional reasons. The <i>Canada Labour Code</i> or other federal legislation will apply.
PART 1 PRELIMINARY MATTERS	PART 1 PRELIMINARY MATTERS	
Giving Notice to Chief Safety Officer	Giving Notice to Chief Safety Officer	
3. (1) Subject to subsection (3), where these regulations require a notice to be given to the Chief Safety Officer, the notice must be in writing.	3. (1) Subject to subsection (3), where these regulations require a notice to be given to the Chief Safety Officer, the notice must be in a form approved by the Chief Safety Officer.	<u>Stakeholders</u> : If the Chief Safety Officer is not available to pick up phone messages or to check correspondence such as email then the employer should not be penalized for the regulator’s inaction. The employer should not be required to call several regulators in order to fulfil his requirements. <u>Committee</u> : The regulations are silent on what the CSO or her staff actually do with the notification. If the CSO is willing to use email, that should be encouraged. Subsection (1) is modified.
(2) Notice is deemed not to have been given pursuant to subsection (1) until the notice is actually received by the Chief Safety Officer.	(2) Notice is deemed not to have been given pursuant to subsection (1) until the notice is actually received by the Chief Safety Officer.	
(3) In the case of a notice required by subsections 7(1) or (2), an employer shall first give notice by telephoning a safety officer and, in addition, give written notice in the manner set out in subsection (1).	(3) In the case of a notice required by subsections 7(1) or (2), an employer shall first give notice by telephoning a safety officer and, in addition, give notice in the manner set out in subsection (1).	
Generality of Duties Not Limited	Generality of Duties Not Limited	
4. (1) A specific duty imposed by these regulations does not limit the generality of any	4. (1) A specific duty imposed by these regulations does not limit the generality of any	

<p>other duty imposed by the Act or other regulations made pursuant to the Act.</p>	<p>other duty imposed by the Act or other regulations made pursuant to the Act.</p>	
<p>(2) A provision of these regulations that prohibits a worker from carrying out a specified action applies, with any necessary modification, to an employer.</p>	<p>(2) A provision of these regulations that prohibits a worker from carrying out a specified action applies, with any necessary modification, to an employer.</p>	
<p>(3) A provision of these regulations that requires an employer to ensure that a worker carries out or refrains from carrying out a specified action is deemed to require an employer to carry out or refrain from carrying out that action .</p>	<p>(3) A provision of these regulations that requires an employer to ensure that a worker carries out or refrains from carrying out a specified action is deemed to require an employer to carry out or refrain from carrying out that action .</p>	
<p>(4) Where a provision of these regulations imposes a duty or requirement on more than one person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.</p>	<p>(4) Where a provision of these regulations imposes a duty or requirement on more than one person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Refers several time to "the person with the greatest degree of control". The terminology "greatest degree" and "control" are open to various interpretations, and lack clarity. One interpretation for example in the GNWT context, is this is always the employer, i.e. the Minister responsible for the public service. • This section is deemed complicated and was not understood by most all who reviewed it. A definition of "the person with the greatest degree of control" and examples might provide clarity. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The term "person with the greatest degree of control" is left undefined deliberately. It is a legal question determined on the facts of any given case. • Both sets of comments seek to identify on whom a duty falls, but that can only be determined based on each set of

		<p>particular circumstances. Note similar provisions in other jurisdictions and, in the Yukon, the case of <i>Director of Occupational Health and Safety v. Government of Yukon, William R. Cratty and P. S. Sidhu Trucking Ltd.</i>, 2010 YKTC 97 (CanLII).</p> <ul style="list-style-type: none"> • In that case, all employers at a work site were held responsible. The Yukon Territorial Government, the employer with the greatest degree of control, was held to be the person with the greatest degree of control at the work site, even though not physically present at the work site. Other employers were also responsible. The fines allocated reflect this. This decision was upheld on appeal (<i>Director of Occupational Health and Safety v. Yukon</i>, 2011 YKSC 50). • This section is consistent with current OHS law.
<p>(5) Notwithstanding subsection (4) but subject to subsection (7), if the person with the greatest degree of control fails to comply with a provision described in subsection (4), the other persons are not relieved of the obligation to comply with the provision if it is possible for them to comply, and they shall comply with the provision.</p>	<p>(5) Notwithstanding subsection (4) but subject to subsection (7), if the person with the greatest degree of control fails to comply with a provision described in subsection (4), the other persons are not relieved of the obligation to comply with the provision if it is possible for them to comply, and they shall comply with the provision.</p>	<p><u>Stakeholders</u>: Where does this degree of control finish? Can it go all the way to the CEO level? Under this definition, this would be a possibility. Wording should clarify that it is based upon control at the specific job site or work environment.</p> <p><u>Committee</u>: This is similar to the issues raised on subsection (4), and comments there apply. It is a question that cannot be definitively answered in the abstract, but is determined by the facts of a particular situation.</p>
<p>(6) If the person with the greatest degree of control complies with a provision described in subsection (4), the other persons are relieved of the obligation to comply with the provision</p>	<p>(6) If the person with the greatest degree of control complies with a provision described in subsection (4), the other persons are relieved of the obligation to comply with the provision</p>	

<p>(a) only for the time in which the person with the greatest degree of control is in compliance with the provision;</p> <p>(b) only if simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense; and</p> <p>(c) only if the health and safety of workers is not put at risk by compliance by only one person.</p>	<p>(a) only for the time in which the person with the greatest degree of control is in compliance with the provision;</p> <p>(b) only if simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense; and</p> <p>(c) only if the health and safety of workers is not put at risk by compliance by only one person.</p>	
<p>(7) If the person with the greatest degree of control fails to comply with a provision described in subsection (4) but one of the other persons complies with the provision, the other persons, if any, to whom the provision applies, are relieved of the obligation to comply with the provision in the circumstances set out in paragraphs (6)(1)(a) to (c), with any necessary modification.</p>	<p>(7) If the person with the greatest degree of control fails to comply with a provision described in subsection (4) but one of the other persons complies with the provision, the other persons, if any, to whom the provision applies, are relieved of the obligation to comply with the provision in the circumstances set out in paragraphs (6)(1)(a) to (c), with any necessary modification.</p>	
<p>(8) If a provision of these regulations imposes a duty or requirement on a person to ensure that another person carries out or refrains from carrying out a specified action, the person on whom the duty or requirement is placed has complied with the provision if that person establishes that he or she took all reasonable steps to ensure that the second person carried out or refrained from carrying out the specified act.</p>	<p>(8) If a provision of these regulations imposes a duty or requirement on a person to ensure that another person carries out or refrains from carrying out a specified action, the person on whom the duty or requirement is placed has complied with the provision if that person establishes that he or she took all reasonable steps to ensure that the second person carried out or refrained from carrying out the specified act.</p>	
<p>Codes of Practice</p>	<p>Codes of Practice</p>	
<p>5. The Chief Safety Officer may consult with industry and others prior to approving and issuing a code of practice under subsection 18(3) of the Act.</p>	<p>5. The Chief Safety Officer may consult with industry and others prior to approving and issuing a code of practice under subsection 18(3) of the Act.</p>	<p>Stakeholders:</p> <ul style="list-style-type: none"> Needs to be clear codes of practice would be approved by SAC however regs do not state that fact clearly. We believe situation needs to be clarified to ensure active participation from labour representatives in its review and

		<p>interpretation.</p> <ul style="list-style-type: none"> • There are no standards or procedures accompanying the draft regulations; which means there's no way for employers to estimate the cost of operationalizing the regulations. • Finally, the draft Regulations do not list key codes and standard used as reference. The regulations only refer to "practices" to be determined by the Chief Safety Officer. [Stakeholder] has been advised that the WSCC contemplates approximately 30 "practice" documents. There has been no public disclosure of these practice documents to date. Employers cannot legitimately assess their positions on the proposed Regulations without review of these "practice" documents. • The word "may" should be replaced with "shall". Industry or others must be consulted or there is a risk that the resulting codes of practice are not representative or appropriate for Northern industry. Chief Safety Officer should not be able to change codes of practice without notice. Note that in Saskatchewan (s. 45) the failure to observe a code is not in and of itself an offence. This is not reflected in the NT legislation or the proposed regulations. • Alberta, British Columbia and Saskatchewan have guidelines available to assist employers comply with the Regulations. OHSR guidelines often help employers to understand and apply the Regulation. Is WSCC preparing guidelines to help employers apply the
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		<p>Regulations?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Using “shall” would limit the discretion given to the Chief Safety Officer under section 18 of the Act. Limiting that discretion by the regulation-making authority is not authorized under the Act. • The input of stakeholders is critical to the development of the codes of practice and is a significant aspect of the regulatory partnership model and the internal responsibility system. • While it is not possible to regulate development of codes of practice, because there is no authority to do so, it is strongly recommended that the CSO consult with industry and others prior to approving and issuing codes of practice. • Many standards and codes are created by other agencies and are subject to copyright. The required method of making standards and codes available is set out in section 18 of the <i>Safety Act</i>. • The effect of standards and the codes of practice is identified in section 22.1 of the Act. Standards and codes are not part of the regulations. • If formally adopted pursuant to section 18 of the Act, codes of practice are admissible as evidence in the course of a prosecution. • The lack of a code of practice does not make regulations ineffective. Indeed there are no codes at present under the GSRs. The lack of codes of practice
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		<p>makes both compliance and prosecution more difficult, but not impossible. Under the current GSRs most employers, workers or suppliers are in compliance with the requirements, but prosecutions have been successful when they are not.</p> <ul style="list-style-type: none"> • Generally a court considers a referenced code or standard to determine if a decision-maker took into account relevant factors in reaching a decision. • Conformity to a code may also be accepted as evidence of safe practices by an employer or worker, even if an accident or injury occurred. • For additional information see: <i>Key Considerations in the Development and Use of Standards in Legislative Instruments Understanding the Partnership of the Regulatory and Voluntary Standards Systems</i> (National Standards Council of Canada, December 2006) at: http://www.scc.ca/edocs/brochures/
<p>Certification by Professional Engineer</p>	<p>Certification by Professional Engineer</p>	
<p>6. If a provision in these regulations is required to be certified by a professional engineer, the certification must be in writing and must bear the official stamp or seal of the engineer.</p>	<p>6. If a provision in these regulations is required to be certified by a professional engineer, the certification must be in writing and must bear the official stamp or seal of the engineer.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • We go from 13 reasonable requirements for using a professional engineer to 55 new requirements for a professional engineer. This has impacts on small construction operations especially in the smaller communities where professional engineers are simply not available, and if you can get one it is not without significant cost. <p>WSCC needs to re-examine each of these references to determine where a</p>

		<p>journeyman worker may be sufficient to make the determinations or undertake the design and implementation of a task.</p> <p>Each [proposed] requirement for a professional engineer should be examined in terms of a reasonable ability to implement it, actual hazard or risk based on historical data or [Nunavut/MWT] precedents, and if there is a reasonable and less costly alternative.</p> <p>How many [dangerous] incidents have actually occurred in the NT or Nunavut, with the level of activity here, that could have been prevented by having a professional engineer involved?</p> <ul style="list-style-type: none"> • The engineer referred to in this section must be experienced in the work that he is certifying. Given the shortage of engineers in the NT and Nunavut and their professional obligations and practices, this certification will rarely take place and will then fall on engineers from outside the jurisdiction to complete the certification. This will also be seen as a bottle neck in the approval process. • Creating [legislation] that is impossible to implement, let alone enforce will put companies into an untenable position. They can either skirt some of the safety provisions to save money or meet a deadline, and hope there is no injury or death as a result, or comply and face financial losses, forcing contracts or projects to be abandoned, and/or
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		<p>employees laid off or unpaid.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The professional engineer requirements are at the same level as for Saskatchewan. These requirements mesh with the practice of professional engineering as defined in the <i>Engineering and Geoscience Professions Act</i>: <ul style="list-style-type: none"> "professional engineering" means any act of planning, designing, composing, measuring, evaluating, inspecting, advising, reporting, directing or supervising, or managing any of those acts, that requires the application of engineering principles; • Subsection 11(3) of that Act states: <ul style="list-style-type: none"> (3) No person shall employ under a contract of service a person, other than a member, licensee or permit holder, to practice professional engineering or professional geoscience. • Under section 55 of the Act, violation of section 11(3) could incur a \$10 k fine. • The <i>Safety Act</i> and its regulations cannot override the <i>Engineering and Geoscience Professions Act</i>. Comments suggesting that the regulation of engineering services should be changed through these regulations are outside the scope of the SAC's statutory mandate and the regulation-making power under the <i>Safety Act</i>. Such comments should be directed to the primary stakeholder for the engineering and geoscience
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		<p>professions, NAPEG.</p> <ul style="list-style-type: none"> • These regulations include a degree of flexibility for a P.Eng. to direct or supervise, including from remote locations. Professional engineers are governed by the law of professional responsibility. If they are not qualified to carry out the work they are doing, then they are acting unprofessionally and can be disciplined or lose their P.Eng. designation (<i>see: Engineering and Geoscience Professions Act</i>). • The Committee does not agree that the proposed regulations set requirements that are unreasonably difficult to meet, as suggested in the last bullet.
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<p>PART 2 REPORTING</p>	<p>PART 2 REPORTING</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Reporting to WSCC needs to be clarified. There are new reporting requirements laid out in these regulations, some of which seem to duplicate information already provided to WSCC. • There are existing internal reporting systems within the Health and Social Services system, some of which already is passed on to the WSCC. There is also reporting under the <i>Hospital Insurance Health and Social Services Administration (HIHSSA) Act</i> or other Acts and Regulations. More work is required to assess whether there is a conflict between the two sets of legislation and regulations. Every effort should be made to streamline reporting and eliminate duplicate reporting. Greater scrutiny is also required of the reporting section in regards to how it relates to the OHS Committee vs. the OHS representative. Roles and responsibilities need to be clear. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • HIHSSA does not principally concern occupational safety of workers at a work site. The <i>Safety Act</i> predominates. HIHSSA and the <i>Safety Act</i> work in a complementary fashion. While there may be a degree of overlap, that does not mean conflict. • Streamlining of reporting is an operational matter. It should be noted however that the requirements are under different Acts.
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New Operations	New Operations	
<p>7. (1) An employer shall, as soon as is practicable, give notice to the Chief Safety Officer of an intention to</p> <ul style="list-style-type: none"> (a) begin work at a construction site, manufacturing plant or processing plant where ten or more workers are to be employed for six months or more; (b) dig an excavation, a trench or an excavated shaft <ul style="list-style-type: none"> (i) more than 5 m deep, and (ii) into which a worker will be required or permitted to enter; or (c) dig a tunnel into which a worker will be required or permitted to enter. 	<p>7. (1) As soon as is reasonably possible, an employer shall give notice to the Chief Safety Officer of an intention to</p> <ul style="list-style-type: none"> (a) begin work at a construction site, manufacturing or processing plant where 20 or more workers are to be employed for six months or more; (b) dig an excavation, a trench or an excavated shaft <ul style="list-style-type: none"> (i) that is more than five metres deep, and (ii) that a worker will be required or permitted to enter; or (c) dig a tunnel that a worker will be required or permitted to enter. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • We support language dealing with high hazard work. Proposed requirement allows the CSO to be informed of such activities before hand and CSO can make determination as to need for a work site inspection. The fact that construction is included in Sch A is very much needed. Injury rate in construction industry are inherently high in territories. • "Cost delays because we would have to provide 30 days notice of certain work to WSCC. • Under the proposed changes, all employers on specific projects are to give notice (most likely written) to the WSCC Chief Safety Officer of any intention to begin activity that constitutes high hazard work in specific operations. Our association considers 30 days written notice on certain sized projects to be an enormous level of administration and believes other monitoring measures can be adopted with fewer administrative complications for employers. • We have significant concern with the identification of certain industries as high hazard and the requirements that are placed on this group. We propose that "Schedule A" High Hazard Work and the additional requirements associated with the industries identified in this schedule be eliminated and that the SAC focus on requiring the employer to conduct a risk assessment in their

		<p>workplace identify hazardous tasks and implement appropriate control measures to mitigate risk.</p> <ul style="list-style-type: none"> • Notice requirement. Section 7 (2) requires an employer to give notice to the CSO of an intention to begin an activity that constitutes high hazard work not less than 30 days before the activity begins. This adds an unnecessary step in an employer's ability to conduct business. It should also be noted that employer's already provide notice to the WSCC when they obtain a clearance for work. The clearance process requires detailed information about the contract including location, contract value etc. This additional requirement to report in the proposed regulation is a duplication of what is already in place and therefore unnecessary in our view. Employers in Construction and other industries must respond to their clients quickly and this requirement places a bureaucratic barrier to getting things done quickly and efficiently. It is not clear why the CSO needs to be informed of every construction project and what action they will take prior to work commencing. This requirement will be unworkable in industries where emergency work is performed. In emergency situations an employer needs to be able to respond quickly and if the intent of this provision contemplates the CSO giving approval to all projects that are done in high hazard industries it is not acceptable. • Grave concerns with the provisions in
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		<p>relation to "high hazard work". All electrical works fall within the definition of "high hazard works" such that the bulk of the operations and/or maintenance that [we] would be involved in will fall within that category. Section 7(2) requires specific approved work plans and that 30 days notice be provided to the Chief Safety Officer prior to commencement of the "high hazard work".</p> <ul style="list-style-type: none"> • Application of that requirement would mean that [we] could never conduct emergency work. This is simply untenable given the service [we] provide to its customers. [We] must carry out emergency work as quickly as possible to restore power to its customers. Yet, as currently drafted, the Regulations contained no provision for either an emergency exemption in [our] situation or for industry wide exemptions as can be found in the Saskatchewan Regulations on which these proposed regulations are based. • This is unclear. Do all ten workers need to be present at the same time or is the number applied to the numbers of workers during the life of the project? • Doesn't tunnelling belong under the Mines Act? • Regulations appear to change how [we] [address] all currently contracted by [us]. • Currently, PWS requests a letter of good standing from WSCC on all of our projects, thereby notifying WSCC, by default, of all work regardless of how
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		<p>many workers are on the job. Thereby, this opens the door where the GNWT hires contractors that are not in good stead with no recourse. Suggestion: Review the wording to see if it addresses and protects the GNWT.</p> <ul style="list-style-type: none"> • Please specify what constitutes a Manufacturing Plant, as outlined at 7(1)(a). • "The implications of the draft Health and Safety Regulations are significant and if enacted will add costs and administrative burden to your business and may severely limit your ability to operate (particularly if your workers engage in cold weather work). If enacted [we] will be required to: <ul style="list-style-type: none"> Provide 30 days notice to the Chief Safety Officer for all high hazard work this includes but is not limited to construction (whether [we are] building a new structure, completing renovations, repair, painting etc.); isolated work in extremely cold weather (-45 temperature/wind chill combined); local and territorial hauling and trucking; road construction, earthwork etc. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • In subsection 7(1) the requirement has been changed from "as soon as is practicable" to "as soon as is reasonably possible". • In paragraph 7(1)(a) the Committee adopted suggestions to change to a threshold of "20 or more workers",
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		<p>which is consistent with other jurisdictions in Canada.</p> <ul style="list-style-type: none"> • For a discussion on the use of "reasonably practicable" see page 11.
<p>(2) An employer shall give notice to the Chief Safety Officer of an intention to begin an activity that constitutes high hazard work not less than 30 days before the activity begins.</p>	<p>(2) An employer shall, before commencing any asbestos process listed in Schedule B, give notice to the Chief Safety Officer at least 30 days before the process commences.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Weather forecasts are not reliable 30 days ahead. Thus the employer would not know if the work would be done in extremely cold weather. Also urgent work (for example repair of an underground pipe break) needs to be commenced sooner than 30 days. • This is not practical or reasonable. 'Activities' occur multiple times a day within a project and many of these individual activities could be considered 'high hazard' activities. The regulations already have the provision for notification of a 'project' and this provides the control desired by the Chief. This is another area where a hazard assessment should be declared i.e. 'An employer shall ensure that a hazardous assessment is conducted and documented before beginning an activity that constitutes high hazard work'. • The act also requires notification to the CSO of high hazard work. There is currently no exemption in emergency situations contained in the Regulations or the Act. • Nor is there the ability to apply in advance for an exemption to this requirement as appears for example in s. 46 of the Saskatchewan Act. This is serious concern for [us] as all its work is

		<p>likely to fall into the high hazard category.</p> <ul style="list-style-type: none"> • We will be giving notice to the Chief several times per day as our linemen are classified as high hazard under the new definitions in schedule "A". Also any construction is also defined as high hazard. A more clear definition of "any Construction" is required as the definition is presently far too broad. • The regulations should allow for standing exemptions to allow companies such as [ours] to be able to operate efficiently and be responsive to emergency and maintenance issues as they arise. The notice provision as currently framed is unreasonable and unworkable in light of the service [we] provides as well as the working environment. • The Regulations must be workable within our operational realities. For example, the need to provide 30 days advance notice to WSCC before undertaking high hazard work may not always be practical when needing to respond to emergency situations or performing continuous highways surface maintenance. This reality needs to be recognized and accommodated within the Regulations. • High hazard work, as defined by the Regulations, would encompass most of [our] activities, including construction, hauling and trucking. As such, there is a concern that this and other Sections contemplating added reporting requirements will result in excessive
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		<p>reporting demands and work delays.</p> <ul style="list-style-type: none"> • In addition to increased reporting volumes and related time commitments, the requirement to report all planned high hazard work 30 days in advance of the activity occurring also has potential operational challenges. For example, what if [we] or [our] its contractors were required to undertake time sensitive work (to ensure the safety of the travelling public) prior to the expiration of the 30 day notice period? Also, would [our] contractors be required to advise WSCC each time the planned start date for a particular project is changed due to weather conditions or other operational factors? • [Our] contractor community is expected to have similar issues. Often times, [our] contractors are in situations where they must begin work ASAP following contract awards given the NT's limited operating and construction season. Please refer to the recently released newsletter (attached) from the NT Construction Association raising similar concerns. • Finally, it is recommended that all reporting requirements associated with these proposed Regulations be reviewed together as a package to determine if certain reporting requirements could either be consolidated or removed (economies achieved) to ensure that the Regulations remain implementable. • This appears to be a reporting issue so we should properly report at the beginning of the fiscal year for all
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		<p>approved project and the contract can make proper report when they are in contact with WSCC when they request clearance prior to an award.</p> <ul style="list-style-type: none">• Multi-year contracts can do the same as they acquire their approvals for the upcoming year. Recommend that we avoid adding an extra reporting cycle and instead add one extra page to an existing reporting cycle.• There should be an exception rule considered that allows for immediate or urgent activities to be undertaken.• The activities that include "high hazard work" are listed in Schedule A in the draft OHS Regulations. One of the activities listed is construction which is a key PWS activity. Construction as it is defined in the Regulation includes erection, alteration, renovation, repair, structural maintenance and painting. Section 7 (1) states that as soon as practicable, notice should be given to the Chief Safety Officer of an intention to begin work on a construction site, where 10 or more workers are to be employed for 6 months or more. This would seem to mean that smaller construction projects that have less than 10 workers that are to be employed for less than 6 months would be exempt from the requirement to give notice.• Section 7(2), however, states as follows: "An employer shall give notice to the Chief Safety Officer of an intention to begin an activity that constitutes high hazard work not less than 30 days before the activity begins." This section
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		<p>could be interpreted to apply to all construction work because construction is identified as High Hazard Work in Schedule A of the Regulations. It is not clear which requirement for notice, s. 7(1) or 5.</p> <ul style="list-style-type: none"> • 7(2) would have to be followed for construction work. • The requirement to give notice for all high hazard work 30 days in advance of the activity does not seem workable for some of [our] activities. For example, what if PWS or its contractors were required to undertake work on short notice (i.e. removing asbestos from a school to ensure the safety of students and staff in a school) where providing 30 days notice would not be practical. In addition, would [we] be required to provide 30 days notification to WSCC each time work started and then was stopped for a few days on a work site due to events beyond its control or other operational factors? The definition of the term, "construction" (page 2) could possibly include almost all maintenance work done by [our] staff and contracted service providers. It is our understanding that the term "structural maintenance" means any maintenance done to a building. [We] issue approximately 30,000 work orders a year and the vast majority of those would fall into the category of maintenance to a building. It is not clear what the rationale is for having to provide 30 days notice for such a large number of activities. [We] would like to know
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		<p>what is the rational for this change to the regulations. Isolated work in extremely cold weather is also identified as High Hazard Work in Schedule A of the regulations and therefore would require 30 days notice before the activity begins. "Isolated as defined in section 61 means a work site in which the normal mode of transport is aircraft. [Our] Settlement Maintainers (or our contractors) in communities which fit into this definition sometimes have to undertake maintenance work in extremely cold weather often on short notice if something breaks down. In these situations, 30 days notice is not workable.</p> <ol style="list-style-type: none"> 1. The 30-day notification period on high hazard (construction) will effect contract cycles with regards to timing, awarding and completion dates for projects ranging from preventative maintenance to home construction. 2. Contractors' in writing may notify the WSCC every time they intend to put a bid on a government contract which will flood the WSCC with undue paperwork or will [we] have to inform the WSCC that tenders are going out on behalf of the winning bid? 3. A slow down on legitimate construction may cause contractors to look for under the table work to avoid having
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		<p>to report to the Chief Safety Officer. This may cause substandard work which would endanger the health and well being of the general public and reduce general tax revenues.</p> <p>4. Certain High hazard work may take place at hours and on weekends when Safety Inspectors are not working which could endanger the health and safety of the worker.</p> <ul style="list-style-type: none"> • CLARIFICATION: 1. Will the 30-day notification period used for Inspector scheduling, maintaining statistics and the collection of fees? • We see current s. 7 as putting a hold on construction. We suggest alternative based on BC OHS Regs s. 20.2. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The reference to "high hazard work" is dropped, and is now used only in relation to first aid equipment and personnel. • The 30-day notice requirement has also been eliminated for all but asbestos processes. This subsection also allows for notice after the fact to be given under certain conditions.
<p>(3) A notice required by subsection (1) or (2) must include</p> <ul style="list-style-type: none"> (a) the legal name and business name of the employer; (b) the location of the intended site, plant, process or work site; (c) the mailing address of the employer; 	<p>(3) A notice required by subsection (1) or (2) must include</p> <ul style="list-style-type: none"> (a) the legal name and business name of the employer; (b) the location of the intended site, work site, process or work site; (c) the mailing address of the 	

<p>(d) the nature of the activity to be undertaken; (e) the number of workers to be employed; (f) the telephone number and fax number of the employer; and (g) the estimated starting date and expected duration of the activity .</p>	<p>employer; (d) the nature of the activity to be undertaken; (e) the number of workers to be employed; (f) the telephone number and fax number of the employer; and (g) the estimated starting date and expected duration of the activity .</p>	
	<p>(4) Where an employer cannot give the notice required under subsection (2) in the time required, the employer shall, as soon as is practicable, (a) give notice to the Chief Safety Officer of the work or process; and (b) provide an explanation why it was not given.</p>	<p><u>Committee</u>: Upon review of this section and the comments from stakeholders, an exemption provision to deal with cases where an employer could not reasonably give advance notice of work was added.</p>
<p>Accidents Causing Serious Bodily Injury</p>	<p>Accidents Causing Serious Bodily Injury</p>	
<p>8. (1) An employer shall, as soon as is practicable, give notice to the Chief Safety Officer of any accident at a work site that (a) causes or may cause the death of a person; or (b) will require a person to be admitted to a hospital as an in-patient for a period of 24 hours or more.</p>	<p>8. (1) An employer shall, as soon as is reasonably possible, give notice to the Chief Safety Officer of any accident causing serious bodily injury.</p>	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • Why not use the MHSRs "reportable incident" serious injury or death details here? • Suggest use of "without delay" rather than "as soon as is practicable". • Strongly supports the reporting of near misses. Propose "as soon as is practicable" with "without delay". It is used in the <i>Canada Occupational Health and Safety Regulations (SOR /86-304)</i>, Part XV on Hazardous Occurrence Investigation, Recording and Reporting. It is used throughout the COHS Regs where a specific time limit is not expressly detailed (eg. s. 15.8(1)) • Section 8 (1) requires the employer to give notice to the CSO of any accident at a work site that causes or may cause the
<p>(2) The notice given pursuant to subsection (1) must include the following: (a) the name of each injured or deceased person; (b) the name of the employer of each injured or deceased worker; (c) the date, time and location of the accident; (d) the circumstances of the accident; (e) the apparent injuries; (f) the name, telephone number and</p>	<p>(2) The notice given pursuant to subsection (1) must include the following: (a) the name of each injured or deceased person; (b) the name of the employer of each injured or deceased worker; (c) the date, time and location of the accident; (d) the circumstances of the accident; (e) the apparent injuries; (f) the name, telephone number and</p>	

<p>fax number of the employer or a person designated by the employer to be contacted for additional information.</p>	<p>fax number of the employer or a person designated by the employer to be contacted for additional information.</p>	<p>death of a person or will require a person to be admitted to a hospital as an in-patient for a period of 24 hours or more.</p> <ul style="list-style-type: none"> • We believe that the requirement to report near misses will be difficult for employers. Even in workplaces where there is a process in place to record near misses many go unrecorded. This will be difficult if not impossible to enforce. • Define "practicable" or replace with a notice provision in days or hours to clarify what is reasonable. • The section does not provide some examples of accidents of a serious nature. Within the Draft it states An employer shall, as is practicable, give notice to the Chief Safety Officer of any accident at a work site that causes or may cause the death of a death of a person; or will require a person to be admitted to a hospital as an in-patient for a period of 24 hours or more. Not all serious accidents will require hospitalization (minor amputation), blood loss, etc. Examples from the current regulations (Section 35 (1) should be added. • This section is silent about notification to owners on being notified if a serious injury or accident takes place on their property. Mainly for insurance purposes. This should be done by the employer and clarified by the WSCC. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Definitions added in section 1 and section 8 redrafted.
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		<ul style="list-style-type: none"> • The "as soon as is reasonably possible" requirement is needed as it is something more than "as soon as is reasonably practicable". These types of events are unusual and will result in an investigation by a safety officer. In addition to that investigation, the OHS Committee or representative will carry out its investigation. • In the current GSRs, the two concepts of "accidents causing serious bodily harm" and "dangerous incidents" are merged into one. That approach is not consistent with other jurisdictions in western Canada. • For a discussion on the use of "reasonably practicable" see page 11.
<p>(3) An employer shall provide the Committee or occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, with a copy of the notice required by subsection (1).</p>	<p>(3) An employer shall provide a copy of the notice required by subsection (1), without the name of the injured or deceased workers, to the Committee or representative.</p>	<p><u>Committee</u>: simplified.</p>
<p>Dangerous Occurrences</p>	<p>Dangerous Occurrences</p>	
<p>9. (1) In this section, "dangerous occurrence" means any occurrence that does not result in, but could have resulted in, a condition or circumstance set out in subsection 8(1), and includes any of the following:</p> <ul style="list-style-type: none"> (a) the structural failure or collapse of <ul style="list-style-type: none"> (i) a structure, scaffold, temporary falsework or concrete formwork, or (ii) an excavated shaft, tunnel, caisson, coffer dam, trench or excavation; (b) the failure of a crane or hoist or the 	<p>9. (1) An employer shall, as soon as is reasonably possible, give notice to the Chief Safety Officer of any dangerous occurrence that takes place at a work site, whether or not a worker sustains injury.</p>	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • Are poles structures? • Are there limits to this? As written, contact with a 6 V conductor must be reported. • Add (i) any incident that has a high potential to cause death or serious injury. • Re: 9(1)(h) It must be clear that this 'failure' is during a work activity when the respirator is being used and not during testing and exercising (practising) with the equipment.

<p>overturning of a crane or powered mobile equipment;</p> <p>(c) the accidental contact of an energized electrical conductor;</p> <p>(d) the bursting of a grinding wheel;</p> <p>(e) the uncontrolled spill or escape of a toxic, corrosive or explosive substance;</p> <p>(f) the premature detonation or accidental detonation of explosives;</p> <p>(g) the failure of an elevated or suspended platform;</p> <p>(h) the failure of an atmosphere-supplying respirator.</p>		<ul style="list-style-type: none"> • The definition of "dangerous occurrence" expands definition and is more broad than current regulations. • Under section (c) will [we] be required to advise the • regulator of 3rd party contact such as collisions with a hydro pole or someone snagging a power line? In many cases this information is confidential and cannot be released without the parties involved and in other cases may be part of criminal investigations or insurance claims and again be unavailable. • This provision as presently drafted will create significant confusion and may simply be untenable. • One of the most effective (and least costly in terms of worker injuries and material damage) methods we have to improve operating procedures and processes is by learning from near-misses or "Incidents". Although it is important that incidents are investigated and steps are taken to avoid such in the future, the definition of a "Dangerous Occurrence" is quite specific in the proposed <i>Occupational Health and Safety Regulations</i> and may miss the opportunity to realize the benefits of a broader policy that would involve learning from significant incidents (those that had the potential for lost-time injuries and/or significant property damage). Perhaps it may be useful to include a new section that would encourage the investigation, analysis, and provision of recommendations to address root causes of such incidents.
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		<p>The recommendation of and implementation of changes related to such incident investigations is a crucial component of a continuous improvement system.</p> <ul style="list-style-type: none"> • An additional comment on the "Investigation of Dangerous Occurrences" section 37 - this section again refers the reader back to section 9 and then back to section 8 rather than having a specific definition in the "interpretation" section. This constant cross referencing is confusing and could be addressed by a more comprehensive "Interpretation" section. • This is similar to "near miss" reporting but here, the use of the word "occurrence" is confusing as it implies that something has to have occurred. • Should the information in paragraph 9(1) be better positioned in the "Interpretation" section for a measure of continuity within the overall document, should the "interpretation" section be dispersed to the applicable sections of the regulations as is the case here for "dangerous occurrences"? • Again, this implies that something has to have occurred it does not emphasize the simple reporting of a risk (of something that might happen if the situation is not dealt with). • Suggests use of "without delay" as per MHSRs. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Definitions added in section 1.
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		<ul style="list-style-type: none"> • Re: Near Misses - These events are not routine; the severity is indicated by the hospitalization requirement in the definition of "accident causing serious bodily injury", which also governs the definition of a "dangerous occurrence". • In respect of a "dangerous occurrence", no injuries may have occurred, but there may be a potentially serious defect in equipment that could affect other work sites and workers. • "As soon as is reasonably possible" replaces "as soon as is reasonably practicable" in the revision to enhance clarity. • The definition of a dangerous occurrence is limited to those situations that "could have resulted in an accident causing serious bodily injury". A shock from a 6 V battery would not normally fall into this category (assuming an amperage that is negligible). • Under paragraph 11(1)(a) of the <i>Safety Act</i>, disclosure of information obtained by a person - in this case the CSO can be authorized by the Commission to be disclosed for the purpose of administering other legislation administered by the Commission. The Commission can also authorize disclosure to agencies or departments of the GNWT and GN, Canada or another province or territory, or to approved regulatory bodies or in accordance with the <i>Access to Information and Protection of Privacy Act</i> (subsection 11(1)). • If there is a dangerous occurrence at a
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		work site that must be reported to the Chief Safety Officer under these regulations, the safety of the workers must take priority. Those who obtain that information are legally bound to protect it under section 11 of the <i>Safety Act</i> .
(2) An employer shall, as soon as is practicable, give notice to the Chief Safety Officer of any dangerous occurrence that takes place at a work site, whether or not a worker sustains injury.	(2) The notice given pursuant to subsection (1) must include (a) the name of each employer, principal contractor and owner at the work site; (b) the date, time and location of the dangerous occurrence; (c) the circumstances related to the dangerous occurrence; and (d) the name, telephone number and fax number of the employer or a person designated by the employer to be contacted for additional information.	
(3) The notice given pursuant to subsection (2) must include (a) the name of each employer, principal contractor and owner at the work site; (b) the date, time and location of the dangerous occurrence; (c) the circumstances related to the dangerous occurrence; and (d) the name, telephone number and fax number of the employer or a person designated by the employer to be contacted for additional information.	(3) An employer shall provide a copy of the notice required by subsection (1) to the Committee or representative.	<u>Committee</u> : Subsection (3) and (4) simplified.
(4) An employer shall provide the Committee or occupational health and safety	Removed	

<p>representative or, where there is no Committee or occupational health and safety representative, the workers, with a copy of the notice required by subsection (2).</p>		
<p>Medical Information</p>	<p>Medical Information</p>	
<p>10. (1) Subject to subsection 26(2), no person who acquires information of a personal medical nature with respect to a worker pursuant to these regulations shall disclose that information except</p> <ul style="list-style-type: none"> (a) to the worker; (b) to a safety officer; (c) with the informed consent of the worker, to another person ; or (d) where otherwise required by law. 	<p>10. (1) Subject to subsection 26(2), no person who acquires information of a personal medical nature with respect to a worker pursuant to these regulations shall disclose that information except</p> <ul style="list-style-type: none"> (a) to the worker; (b) to a safety officer; (c) with the informed consent of the worker, to another person; or (d) where otherwise required by law. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Re: ss. 10 and 11- This appears to be a new provision and one with serious ethical concerns: <ul style="list-style-type: none"> - Is the permission of the patient required for the reporting to the Chief Safety Officer? - How does this interact with ethical concerns around confidentiality of medical information? <p>We also have concerns about provisions of the Access to Information/Protection of Privacy Act:</p> <ul style="list-style-type: none"> - How does or doesn't this coincide with responsibilities under ATIPP? - Does ATIPP allow for this disclosure without client consent? <p>And practically, any possible solution would place a cumbersome and onerous burden on health care practitioners</p> <ul style="list-style-type: none"> • There appears to be no exemption where information is required to be maintained in confidence. [We are] a "public body" under the <i>Access to Information and Protection of Privacy Act</i>; Obligations under that Act may conflict with these proposed regulations. • Confirmation [is needed] that "information of a personal medical
<p>(2) A health care professional who attends or treats a worker who is suffering from or is believed to be suffering from a medical condition that is related to his or her present or past employment shall, as soon as is practicable, inform the Chief Safety Officer of</p> <ul style="list-style-type: none"> (a) the medical condition from which the worker is believed to be suffering; and (b) the name and address of the most recent work site where exposure related to the medical condition is believed to have occurred. 	<p>(2) A medical professional who attends or treats a worker who is suffering from or believed to be suffering from a medical condition that is related to the present or past employment of the worker and is listed in Schedule B.1 shall, without undue delay, inform the Chief Safety Officer of</p> <ul style="list-style-type: none"> (a) the medical condition from which the worker is believed to be suffering; and (b) the name and address of the most recent work site where exposure related to the medical condition is believed to have occurred. 	

		<p>nature" does not include an individual's accommodation limitations (e.g., lifting restrictions, etc).</p> <ul style="list-style-type: none"> • Would place an onerous responsibility on health care practitioners that may not be consistent with ethical responsibilities tied to confidentiality of medical information, as well as Employer responsibilities under Access to information and Protection of Privacy (ATIPP). Does ATIPP allow for this disclosure, either with or without the client's consent? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Subsection (1) is unchanged but subsection (2) is redrafted. "Health care professional" is changed to "medical professional", to be consistent with changes elsewhere. • The obligation to inform the CSO in subsection (2) is contingent on the condition being related to present or past employment, and is limited to conditions listed in a new Schedule, Schedule B.1, a listing of common occupational diseases. • There is no violation of privacy law, as section 48 of the <i>Access to Information and Protection of Privacy Act (ATIPPA)</i> contemplates this type of disclosure. Personal privacy is not an absolute right and personal information can, and must, sometimes be disclosed. In the case of OHS, personal privacy cannot be used as an impediment to the purposes and objects of the <i>Safety Act</i>, subject to ATIPPA. Personal privacy cannot be used
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		as a shield when the health and safety of other workers is at stake.
Report of Injuries	Annual Statistical Report	
11. An employer shall provide to the Chief Safety Officer, or to any other agency that he or she may designate, a report setting out details of all person hours worked and all work-related injuries during the preceding year.	11. An employer shall provide to the Chief Safety Officer, or to any other agency that he or she may designate, a report setting out details of all person hours worked and all work-related injuries during the preceding year.	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • How is this accomplished? • This information should only go to the Chief Safety Officer and they can send it out as per their requirements. They should also accord the right of privacy to the [employer]. • It appears that this paragraph is actually requiring, " ... a report of all person hours worked and all work-related injuries during the past year". Is this the intent? If so, the title of the paragraph should be amended. • reads [awkwardly]: who does the "he or she" refer to? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This is purely a statistical report, and will not include "personal information" as defined under ATIPPA. ATIPPA still applies, but there is no need to state that in these regulations. • Under ATIPPA personal information can be disclosed to other entities where so authorized by law. • Committee changes heading to reflect content of section. • Committee is satisfied that the pronouns here are in the correct place and refer to the CSO, not to the agency. "He or she" refers to an individual and therefore it is the Chief Safety Officer. Agencies are genderless.

PART 3 GENERAL DUTIES	PART 3 GENERAL DUTIES	
General Duties of Employers	General Duties of Employers	
<p>12. The duties of an employer at a work site include</p> <ul style="list-style-type: none"> (a) provision and maintenance of plant, systems of work and working environments that ensure, as far as is reasonably practicable, the health and safety of workers; (b) arrangements for the use, handling, storage and transport of articles and substances in a manner that protects the health and safety of workers; (c) provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers; and (d) provision and maintenance of a safe means of entrance to and exit from the work site . 	<p>12. The duties of an employer at a work site include</p> <ul style="list-style-type: none"> (a) provision and maintenance of work site, systems of work and working environments that ensure, as far as is reasonably practicable, the health and safety of workers; (b) arrangements for the use, handling, storage and transport of articles and substances in a manner that protects the health and safety of workers; (c) provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers; and (d) provision and maintenance of a safe means of entrance to and exit from the work site. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Codifying requirements for General Duties and Committee function and structure will assist employers in ensuring that correct processes are in place to ensure an exemplary standard on health and worker safety and, [assuming the processes] are implemented, can contribute to a higher degree of worker safety and satisfaction. That said, because of capacity issues (number of people, number of managers/union representatives, etc.) in some work sites, it may be challenging to achieve the "letter of the law" in regards to OSH Committees and there could perhaps be more latitude to modify practices and procedures to ensure that the intent of the regulations (ensure workplace and worker safety) is achieved. • What is "reasonably practicable"? Too vague? [Safety?] Should be as a first priority. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • These regulations do codify requirements for OHS. Regulations do not "assist" subjects but rather impose legal requirements on them. Comments are more applicable towards a code of practice than to regulations. • For a discussion on the use of "reasonably practicable" see page 11.

		<ul style="list-style-type: none"> It is possible that a work site or systems of work or working environments are not safe. In some cases it may be unreasonable to stop work in such situations, for instance in fighting a fire or work on an asbestos abatement project. In such cases, other measures can be taken to mitigate the risks, such as exposure control, biological monitoring, or use of PPE.
General Duties of Workers	General Duties of Workers	
<p>13. (1) A worker shall</p> <p>(a) use safeguards, safety appliances and personal protective equipment required by these regulations and any other regulations made pursuant to the Act; and</p> <p>(b) follow safe work practices and procedures required by or developed pursuant to these regulations and the Act.</p>	<p>13. A worker shall</p> <p>(a) use safeguards, safety appliances and personal protective equipment required by these regulations and any other regulations made pursuant to the Act; and</p> <p>(b) follow safe work practices and procedures required by or developed pursuant to these regulations and the Act.</p>	<p><u>Stakeholders:</u> Suggest adding:</p> <p>(c) report to the supervisor or employer</p> <p>(i) any contravention of this Part, the regulations or an applicable order of which the worker is aware, and</p> <p>(ii) the absence of or defect in any protective equipment, device or clothing, or the existence of any other hazard, that the worker considers is likely to endanger the worker or any other person,</p> <p><u>Committee:</u> There are specific reporting obligations elsewhere in the regulations, for instance with respect to defects in equipment see section 97, or with respect to inspections of equipment and the responsibility to report defects see section 31.</p> <p>Presumably the employer will set up a safe work procedure or safe work practice that includes a worker reporting unsafe acts or contraventions to a supervisor or other person. An employer has control of a work site (and at least one will have</p>

		primary control). Creating an obligation on workers to report would result in an off-loading of responsibility from the employer to the worker. This would weaken section 4.
(2) A worker shall, as soon as is reasonably possible practicable, report any illness or injury sustained at a work site to the employer.	Removed	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Re: "any illness" Does this mean anytime an employee gets sick at work it must be reported to the employer? Usually illness that requires an absence from work is reported to a supervisor. • What is "illness sustained at the worksite"? It would appear that colds, pregnancy-related illness, etc. would all be reportable. • We suggest that this wording be clarified to indicate the illness be work-related. <p><u>Committee:</u> On further review the committee considers this subsection to be unnecessary.</p>
Employment of Young Persons	Employment of Young Persons	
14. (1) An employer shall ensure that no person under the age of 17 years is employed or permitted to work <ul style="list-style-type: none"> (a) in any activity that constitutes high hazard work; (b) in a confined space; (c) in a production process for meat, fish or poultry; (d) as an operator of any powered mobile equipment, crane or hoist; or (e) in any process or activity referred to in subsection (2). 	14. (1) An employer shall ensure that no person under the age of 16 years is employed or permitted to work <ul style="list-style-type: none"> (a) on a construction site; (b) in a production process at a pulp mill, sawmill or woodworking establishment; (c) in a production process at a smelter, foundry, refinery or metal processing or fabricating operation; (d) in a confined space; (e) in a forestry or logging operation; (f) as an operator of powered mobile equipment, a crane or a hoist; (g) where exposure to a chemical or biological substance is likely to endanger the health or safety of the 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Why the age difference in s. 14 of the regs? • Supports the provisions in the consultation document. • Re Young Workers: Section 14 (1) indicates that an employer shall ensure that no person under the age of 17 years is employed or permitted to work in any activity that constitutes high hazard work. This is unreasonable and prevents employers in high hazard industries from hiring young workers including students to perform lower risk tasks. For example, a delivery driver in a construction company. The act already requires that an employer ensure that all workers are

	<p>person; or (h) in power line construction or maintenance.</p>	<p>adequately trained in all matters that are necessary to protect their health and safety. It is our view that if the SAC's intent is to prevent young workers from performing specific high hazard tasks then they should define what those tasks are (or require that the employer rely on its own risk assessment) as opposed to preventing a young worker from working in the entire industry.</p> <ul style="list-style-type: none"> • Why 17 and not 16 as per MHSR 8.01? • Need clarification that this does not include "vehicles." Also believe this is an unnecessary restriction on ability to use students. If vehicles are included, this limits students under section (d) as they can no longer be employed to run delivery vehicles such as cars, pickup trucks. Also working in warehouses driving pallet movers, fork lifts, will be off limits to students. Pursuant to section 172 they must be trained in the operation so is the age requirement necessary as long as they have been trained. • Re: "employment of young persons" This Section states that an Employer shall ensure no person under the age of 17 is employed or permitted to work in any activity that constitutes high hazard work. As most of our project work is considered High Hazard according to the current definition, this requirement may impact our work in the communities where students have been previously utilized. Age limitations would best be governed by labour laws and as such, should not form part of these
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		<p>Regulations.</p> <ul style="list-style-type: none"> • If a person under 15 can work as a message runner, can that person still run messages at a construction site? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Age reduced to 16 years. Because "high hazard work" is no longer a defined term, it cannot be used in section 14. However, subsections (1) and (2) recognise that some activities are inherently more dangerous than others, and may require a degree of maturity and training that a young person may not have. Otherwise the young person may endanger himself or herself or other workers. • If a person under 15 can work as a message runner, can that person still run messages at a construction site? The Committee concluded that it is not necessarily the task that is the source of the hazard, but rather the young person's presence at a specific high risk work site. • The NT <i>Employment Standards Act</i>, and the NU <i>Employment of Young Persons Regulations</i> under the <i>Labour Standards Act</i>, require that special permission must be obtained from an employment/labour standards officer to employ youth in construction work. These provisions are for the protection of the young worker, not of workers generally. Revised section 14 is consistent with the <i>Employment/Labour Standards Acts</i> and is authorized under the <i>Safety Act</i>.
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<p>(2) An employer shall ensure that no person under the age of 18 years is employed</p> <ul style="list-style-type: none"> (a) as an occupational worker as defined in section 351; (b) in an asbestos process as defined in section 366; (c) in a silica process as defined in section 382; or (d) in any activity for which these regulations or any other regulations made pursuant to the Act require the use of an atmosphere-supplying respirator. 	<p>(2) An employer shall ensure that no person under the age of 18 years is employed</p> <ul style="list-style-type: none"> (a) as an occupational worker as defined in section 351; (b) in an asbestos process as defined in section 366; (c) in a silica process as defined in section 382; or (d) in any activity for which these regulations or any other regulations made pursuant to the Act require the use of an atmosphere-supplying respirator. 	
<p>Duty to Provide Information</p>	<p>Removed</p>	
<p>15. (1) In this section, "required information" means any information that an employer or supplier knows or ought to know, and that</p> <ul style="list-style-type: none"> (a) may affect the health or safety of any person who works at a work site, or (b) is necessary to identify and control any existing or potential hazards with respect to any plant, process, procedure or substance used at a work site . 	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Define the clause "ought to know" and what happens if you don't know what you "ought to know." Can this provision be clarified? • The phrase "ought to know" is far too broad. • It might be prudent to define "ought to know". <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This sort of language is more appropriate in a criminal sanctions model. • The information requirements in this section are covered by paragraph 12 (c) of the draft, so section 15 is removed.
<p>(2) Subject to section 16, an employer shall provide all required information to the Committee or occupational health and safety representative, or where there is no Committee and no occupational health and safety representative, the workers.</p>	<p>Removed</p>	<p><u>Stakeholders:</u> This imposes a lot of extra work for safety committees and may exceed their ability to process the information without full or part time employees dedicated to the tasks.</p> <p><u>Committee:</u> Provision removed.</p>

Exemption	Removed	
16. (1) An employer or supplier may apply for an exemption from the requirements of subsection 15(2) with respect to information that contains trade secrets of the applicant by submitting a written request to the Chief Safety Officer.	Removed	<u>Committee</u> : Removed since section 15 is removed.
(2) After consultation with any interested persons the Chief Safety Officer considers appropriate, the Chief Safety Officer may exempt an applicant referred to in subsection (1) from the requirements of subsection 15(2).	Removed	
(3) An exemption pursuant to subsection (2) (a) must be in writing; and (b) may be made subject to any terms and conditions that, in the opinion of the Chief Safety Officer, are necessary to secure the health and safety of the workers.	Removed	
(4) An employer shall provide all required information referred to in section 15 to (a) all other employers and workers at the worksite; and (b) any Committees established by or occupational health and safety representatives designated by the other employers.	Removed	
(5) The owner of a plant used as a work site shall provide all required information to all employers who employ workers at the plant.	Removed	<u>Stakeholders</u> : Define the term "required." <u>Committee</u> : Provision removed.
(6) A supplier shall provide written instructions and any other information required by these regulations to all employers to whom the supplier supplies any hazardous substance or plant.	Removed	
Duty of Employer to Provide Information	Removed	

<p>17. An employer shall, at a work site,</p> <ul style="list-style-type: none"> (a) make readily available for reference by workers a copy of <ul style="list-style-type: none"> (i) the Act, (ii) any regulations made pursuant to the Act that apply to the work site or to any work done there, and (iii) any standards, safety codes or codes of practice that address work practices or procedures and that apply to the work site or to any work done there; and (b) if the information referred to in paragraph (a) or in section 15 will be posted, provide a suitable bulletin board to be used primarily to post information on health and safety matters relating to the work site. 	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • The owner (employer) of a work site (plant) should be required to provide these for their specific work. Contractors (other employers) who engage in specialized work at that work site should be required to provide the standards for their work. • We request confirmation that all standards, codes and practices will be attached as Schedules to these Regulations and amended from time to time as required. Employers should not be required to research these. <p><u>Committee:</u> All of these requirements are already set out under section 6 of the Act and other parts of the draft regulations. This section is removed.</p> <p>For availability of standards see subsections 18(2) and (3) of the Act. A notice in the <i>Gazette</i> is required that indicates where copies of the code can be obtained and standards that are adopted. The WSCC will also ensure that its website gives notice of where these standards and codes may be obtained.</p> <p>Attaching a standard to a regulation may violate copyright that a standards-making body has in the standard. It may also impart a regulatory effect to the standard and would make these regulations too long.</p>
<p>Duty of Principal Employer to Inform</p>	<p>Duty of Principal Contractor to Inform</p>	
<p>18. An employer shall give notice in writing to each employer and worker at a work site, setting out</p>	<p>18. (1) The principal contractor or, if there is no principal contractor, an employer shall give notice in writing to each other employer and</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This expands the parties involved, and adds a requirement to provide written

<p>(a) the name of the person who is supervising the work on behalf of the principal contractor;</p> <p>(b) any emergency facilities available for use by the workers; and</p> <p>(c) the existence of the Committee or occupational health and safety representative, if any, at the work site and the means to contact the Committee or occupational health and safety representative.</p>	<p>worker at the work site, setting out</p> <p>(a) the name of the person who is supervising the work on behalf of the principal contractor or employer;</p> <p>(b) any emergency facilities available for use by the workers; and</p> <p>(c) the existence of the Committee at the work site and the means to contact the Committee.</p>	<p>notice of the supervisor at a specific worksite. This does not take into account [employers or employees] with multiple work sites, for example, meter readers, delivery drivers, road workers.</p> <ul style="list-style-type: none"> Indicates "an employer shall give notice in writing to each employer and worker": it is unclear as to which employer must inform another employer, or do two employer's at the worksite inform each other? <p><u>Committee:</u></p> <ul style="list-style-type: none"> Subsection (1) is revised to place an obligation on the principal contractor, if there is one, or otherwise on the employer. The revised provision is more specific than the consultation draft provision. The section deals with work sites where there are multiple employers and section 4 is related to it. This subsection, as revised, with section 4 addresses the stakeholder concern raised in the second bullet point. Subsection (2) is added and has the effect of restricting application of subsection (1) to work sites where an OHS Committee is required (see section 45). This subsection addresses the stakeholder concern raised in the first bullet point.
	<p>(2) Subsection (1) applies only where a Committee is established under section 45.</p>	
<p>Supervision of Work</p>	<p>Supervision of Work</p>	
<p>19. (1) An employer shall ensure that, at a work site,</p> <p>(a) all work is sufficiently and</p>	<p>19. (1) An employer shall ensure that, at a work site,</p> <p>(a) all work is sufficiently and</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> Supervisor Certificate This is a new

<p>competently supervised; (b) supervisors have sufficient knowledge of the following : (i) the Act and any regulations made pursuant to the Act that apply to the work site, (ii) any occupational health and safety program at the work site, (iii) the safe handling, use, storage, production and disposal of hazardous substances, (iv) the need for, and safe use of, personal protective equipment, (v) emergency procedures required by these regulations, (vi) any other matters that are necessary to ensure the health and safety of workers ; and (c) supervisors comply with the Act and any regulations made pursuant to the Act that apply to the work site .</p>	<p>competently supervised; (b) supervisors have sufficient knowledge of the following: (i) any occupational health and safety program at the work site, (ii) the safe handling, use, storage, production and disposal of hazardous substances, (iii) the need for, and safe use of, personal protective equipment, (iv) emergency procedures required by these regulations, (v) any other matters that are necessary to ensure the health and safety of workers; (c) all supervisors have completed an approved regulatory familiarization program; and (d) supervisors comply with the Act and any regulations made pursuant to the Act that apply to the work site .</p>	<p>requirement for [many employers]. Knowledge of the Act and regulations, although important, is only a part of the overall knowledge base for high hazard work. Also there is work in the utility, within the realm of power line construction and maintenance, that is not high hazard, e.g. construction of dead overhead lines it is a hazard, but not a high hazard like live line work. This clause would have the same minimum requirement and take away our ability to assign a junior person to supervise a crew on work that is not high hazard.</p> <ul style="list-style-type: none"> • ...Under the proposed changes, all construction is to be supervised by someone with a WSCC-issued supervisor’s certificate (remember, construction is defined as "high hazard" by [the proposed regulations]). [We] also finds difficulty in providing adequate feedback to the WSCC on the ambiguity of the supervisor requirement. What do these changes include and how will they be implemented? • Cost of additional training, and there’s a lot. For example, an employer must have a safety certified supervisor on site. The draft regulations do not specify whether the safety certified supervisor must oversee any and all work or whether multiple certified supervisors are required for different work occurring concurrently at multiple sites. No one can afford the latter. • The proposed Regulations require that Supervisors are certified. While this may
<p>(2) A supervisor shall ensure that workers comply with the Act and any regulations made pursuant to the Act that apply to the work site.</p>	<p>(2) A supervisor shall ensure that workers comply with the Act and any regulations made pursuant to the Act that apply to the work site.</p>	

		<p>be a reasonable provision in certain jurisdictions throughout Canada, it is not reasonable for the [North. This proposed Regulation will make the use of specialized but non-Northern contractors difficult of not impossible within short time windows.</p> <p><u>Committee:</u> Section 19 is a critical section and needs to be retained.</p> <p>Draft subparagraph 19(1)(b)(i) is unnecessary as it restates section 6 of the Act. It is removed.</p> <p>A new paragraph 19(1)(c) is added to require employers to ensure supervisors complete an appropriate regulatory familiarization program. This is consistent with the requirement on employers set out under section 6 of the Act.</p> <p>The WSCC will set up and run a regulatory familiarization program to assist employers in ensuring that supervisors are familiar with the Act and regulations. Employers will also have the option to have their supervisors complete some other program approved by the CSO.</p>
<p>20. (1) If high hazard work is being undertaken at a work site, then each employer shall ensure that every supervisor is in possession of a Supervisor's Certificate.</p>	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Questions of cost and feasibility of implementation of Supervisor's Certificate scheme, ss. 20-21. • The concept of a Supervisors Certificate in any jurisdiction is laudable; however, for [the North] in our experience, where recruitment of even a journeyman is often difficult, this extra step seems a bit excessive at this time in our development. Until there are sufficient

		<p>training opportunities on the legislation and first aid, provide [here] in the first language of the workers, this program cannot reliably be applied [here].</p> <ul style="list-style-type: none"> • Does the WSCC have the capacity to administer and monitor this type of program? Being in a small community we are well aware of the ongoing staffing challenges. If the WSCC cannot assure consistent and timely issuance of these Certificates it could cause undue delay in the work place. • Availability of Training: NT and Yellowknife in particular are provided with training opportunities at a significantly higher rate than Nunavut. Even in Nunavut most training when and if it is provided is done in Iqaluit. An employer in a community wishing to promote an employee to a supervisory role would have significant costs (airline, accommodation and per diems) to ensure they had WSCC training on the Acts of sufficient calibre to pass an exam. Contracting trainers for one or two employees and bringing them to the workplace is also an additional cost to a project. Trades people are trained in safety and companies who hire journeymen trades' people to supervise work have done so in complete confidence that these individuals are conversant in safe practices for their trade. Project managers and employers are more likely to know or need to understand the fine workings of the legislation. These are the people who oversee supervisors and ensure things
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		<p>are done properly.</p> <ul style="list-style-type: none"> • Instruction and Examination in Inuktitut: The GN is still behind in providing legislation in Inuktitut, the primary language of business in the communities. WSCC administers its workshops and exams in English as well. Nunavut workers whose first language is Inuktitut often fail these exams as a result. They will not sit down and actually read the legislation on their own and absorb enough to write an exam. • The proposed certification process does not ensure competency. Knowledge of the regulations and a first aid certificate does not make someone a competent supervisor. This should be reworded to reflect '... shall ensure that every supervisor is competent'. Leave it to the employer to define 'competency' dependent on the type of work. • Raises questions re: first aid qualification how can a supervisor be a first aid attendant at the same time as supervising? • Supervisor Certificate This is [a new requirement]. Knowledge of the Act and regulations, although important, is only a part of the overall knowledge base for high hazard work. Also there is work in the utility within the realm of power line construction and maintenance that is not high hazard e.g. construction of dead overhead lines it is a hazard but it is not a high hazard like live line work. This clause would have the same minimum requirement and take away our ability to assign a junior person to
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		<p>supervise a crew on work that is not high hazard.</p> <ul style="list-style-type: none">• All supervisors should be certified. There is also a problem with contractors who may not do high hazard work on a continuous basis. Also each employer shall ensure that every other supervisor at that work location has a supervisor's certificate.• The requirements under this Section would again pertain to the majority of [our] programs and service activities. At present, it is unclear how the proposed testing requirements will be administered and managed. Delays in the administration of the proposed testing processes could seriously impair [our and our] contractors' ability to delivery programs and services in a responsive and safe manner. Adequate flexibility will need to be incorporated in the Regulations, along with clear operating procedures, to ensure that ...contractors are able to proceed with time sensitive work without undue delay. This certificate requirement will seriously impact our community contracts where finding and retaining Supervisors for short term projects is already challenging.• This is another version of a driver's license type concept. The people assigned to a contract will have supervisors and workers. We as an organization have requested a superintendent in the contract documents for most of our larger projects. Recommend that this should
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		<p>just be a "pre-approved condition," in the same way. Follow through with an application at the start of the fiscal year and make updates as required. This can become a starting point for a "qualified contractor clause," in our tender documents.</p> <ul style="list-style-type: none"> • How will the certification process work? Are we really expecting the safety officers to evaluate and certify all our supervisors at all our facilities? More information is needed about the certification process. Will additional safety officers be hired to carry out this work on implementation? The testing process will be taxing to the system as a whole. This appears to be a new requirement which may be excessive given the broad nature of high hazard work. • The requirement for every supervisor to have a Supervisor's Certificate if they are supervising high hazard work cannot come into effect when the regulations legally come into effect as no supervisor will be in possession of this certificate. This section should come into effect at least 1 or 2 years after the regulations come into effect to allow supervisors sufficient time to obtain the Supervisor's Certificate. • The section states that every employer shall ensure that every supervisor has to have a Supervisor's Certificate when high hazard work is being undertaken. [We] would like clarification that if the [owner, a regional director or superintendent of the owner, the
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		<p>regional manager, and] a project officer are on a construction project [site] to inspect the progress of the work, would all these individuals (with the exception of a project officer) who are supervisors be required to have a Supervisor's Certificate for this situation? Or would it just be the General Contractor's Foreman (or any other individuals who are supervising work) on the [project] [who would] be required to have a Supervisor's Certificate?</p> <ul style="list-style-type: none"> • Please clarify the definition of Certified Supervisor on site, which is not defined in the Act: [is the requirement] to have one on staff, or one on every work site? This should be defined for a better understanding. • Is WSCC preparing a study guide so supervisors can prepare for the exam? A study guide would provide information to employers to assist supervisors preparing for the exam. [Related questions:] <ul style="list-style-type: none"> - What would be the deadline for supervisors to write the exam? What is the plan for implementation of this by WSCC (i.e. does all high risk work have to cease until they write the exam)? - Is this a general knowledge exam on the Regulations or is it tailored to the type of high hazard work that the supervisor is responsible for? - If a supervisor fails the exam, when can they re-take the
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		<p>exam?</p> <ul style="list-style-type: none">• The implications of the draft Health and Safety Regulations are significant and if enacted will add costs and administrative burden to your business and may severely limit your ability to operate (particularly if your workers engage in cold weather work). If enacted your business will be required to train and "safety certify" supervisors.• CONCERNS:<ol style="list-style-type: none">1. Workers designated as supervisors will be required to take an exam as set by the Chief Safety Officer. Who will be responsible to cover the cost of the exam? Will it be the worker so that they can be employed or the employer who will designate the worker as a Supervisor?2. Will the Supervisor's Certificate be transferable between employers or will it be based on trade specifics and able to be carried for a period of time like a First Aid certification?3. If sub-contractors are employed for certain work, can the primary employer still be the supervisor or will the sub-contractors be required to have their own supervisor certificates?4. Should the [owner] request proof a Supervisor's Certificate on contracts?5. [Will] Technical Advisors in
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		<p>district offices, that visit construction sites and do site inspections, be required to have their Supervisor's Certificate?</p> <ul style="list-style-type: none"> Supervisors Certificate: It is not clear why a Supervisor in a high hazard industry must be certified, particularly given that the content of the certification does not appear to be industry specific but rather an overview of the act and regulations. In construction or other industries where out-of-province workers are brought in to conduct work this will delay the process unnecessarily. Section 19. (1) of the regulations already places significant requirements on employers to ensure that all work is sufficiently and competently supervised. There is no reason for certain workplaces to be singled out for the additional requirement for certification. We therefore propose that this requirement be waived. <p><u>Committee:</u> Sections 20 and 21 were the most contentious sections of the consultation draft, other than the proposed cold weather work provisions. On further review, the committee agreed with many of the concerns raised by stakeholders and removed the Supervisor's Certificate requirement in section 20.</p> <p>In addition, the Committee notes that the concept of "high hazard work" has been substantially redrafted, and now applies only to first aid requirements. See comments at section 7.</p>
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		<p>The Supervisor's Certificate requirement is removed in view of changes in section 19.</p> <p>The concept of "high hazard work", is redrafted, and is now applicable only to first aid requirements.</p>
<p>(2) The Chief Safety Officer shall issue a Supervisor's Certificate to a person who</p> <p>(a) successfully passes an examination as set by the Chief Safety Officer, which assesses the person's familiarity with the <i>Safety Act</i>, regulations pursuant to the Act and codes of practice;</p> <p>(b) is a first aid attendant as defined under section 61 who holds a valid Level 2 first aid certificate or higher; and</p> <p>(c) has applied to the Chief Safety Officer for a Supervisor's Certificate.</p>	Removed	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • What happens with lead hands? If two or more workers are on job site, one must be designated as the lead hand. Is this person now a supervisor as well? How does he get a certificate? • Remove "attendant" and insert qualified in first aid. <p><u>Committee:</u> Section deleted. Use of "attendant" fixed in Part 5.</p>
<p>(3) An employer may issue a Provisional Supervisor's Certificate to a person who</p> <p>(a) demonstrates to the employer's satisfaction an adequate knowledge of the <i>Safety Act</i> and regulations pursuant to the Act and codes of practice;</p> <p>(b) is a first aid attendant defined under section 61 who holds a valid Level 2 first aid certificate or higher; and</p> <p>(c) has applied to the Chief Safety Officer for a Supervisor's Certificate and has not failed the examination under paragraph (2)(a).</p>	Removed	<p><u>Stakeholders:</u> Provisional [certificate] should only be valid for that employer and not transferable.</p> <p><u>Committee:</u> Section deleted.</p>
<p>(4) An employer shall ensure that a copy of each Provisional Supervisor's Certificate is sent to</p>	Removed	

the Chief Safety Officer immediately after issue.		
(5) The Chief Safety Officer shall ensure that a Supervisor's Certificate issued under subsection (2) has an expiry date printed on it of not more than five years from the date of issue.	Removed	
(6) An employer shall ensure that a Provisional Supervisor's Certificate issued under subsection (3) has an expiry date printed on it of no later than 90 days from the date of issue.	Removed	<u>Stakeholders:</u> Is this calendar days or work days? <u>Committee:</u> Section deleted.
(7) An employer shall not issue more than one Provisional Supervisor's Certificate to any one person.	Removed	
Suspension or Cancellation of Supervisor's Certificate	Removed	
21. (1) A safety officer may suspend or cancel a Supervisor's Certificate or a Provisional Supervisor's Certificate if (a) the safety officer reasonably believes that the supervisor is unwilling or unable to carry out supervisory duties under section 19; or (b) the supervisor ceases to meet the requirements of subsection 20(2) or 20(3).	Removed	<u>Stakeholders:</u> <ul style="list-style-type: none"> The proposed section of the regulations directs that to appeal the cancellation or suspension it should be done in accordance to section 16 of the regulations. Section 16 does not deal with appeals. It deals with exemptions to the section and also refers to section 15 which has nothing to do with supervisors. The proposed Appeal procedures described in the draft regulations makes the Chief Safety Officer the issuer, approver and final appeal in many circumstances. Such Appeal provisions are unreasonable and give rise to an apprehension of bias. Appeal provisions should offer employers an impartial alternative to have their concerns considered a second time. This needs to be an independent adjudicator separate from WSCC. We do not feel it is appropriate that the Chief
(2) Where a safety officer suspends or cancels a Supervisor's Certificate under subsection (1) written notice of the suspension or cancellation, with reasons, must be delivered immediately by the safety officer to all of the following: (a) the person who is the subject of the suspension or cancellation; (b) the employer; (c) the Chief Safety Officer.	Removed	
(3) A written notice of suspension or cancellation issued under subsection (1) takes	Removed	

<p>effect immediately on delivery of the written notice under subsection (2)(a). .</p>		
<p>(4) Where a Supervisor's Certificate is suspended or cancelled under subsection (1) a person may appeal in writing to the Chief Safety Officer under section 16 of the Act.</p>	<p>Removed</p>	<p>Safety Officer may direct a suspension and then rules on its validity which can happen as currently worded ("safety officer" is defined in the Act to include the "Chief Safety Officer").</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • For the reasons set out under sections 19 and 20, section 21 is removed from the draft. • It should be noted that in the first bullet point the appeal provisions referred to are in section 16 of the Act, not section 16 of the regulations. The CSO's role is set out in the Act. A decision by the CSO made under section 16 can always be put to a judicial review. Section 16 of the Act is not under review in this project.
<p>Duty to Inform Workers</p>	<p>Duty to Inform Workers</p>	
<p>22. An employer shall</p> <ul style="list-style-type: none"> (a) ensure that all workers understand the provisions of the Act and the regulations that pertain to his or her establishment; (b) make available a copy of the Act and regulations pursuant to the Act for reference by all workers; and (c) comply with the Act and the regulations pursuant to the Act. 	<p>22. An employer shall ensure that each worker</p> <ul style="list-style-type: none"> (a) is informed of the provisions of the Act and any regulations pursuant to the Act that apply to the worker's work at the work site; and (b) complies with the Act and those regulations. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Should only include "as it pertains to their employment." • Given the length and complexity of the Act and regulations, how will the WSCC support employers, given the "employer shall ensure that all workers understand the provisions of the Act and the regulations that pertain to his or her establishment"? • RE: "An employer shall (a) ensure that all workers understand ..." This language is problematic. We can't ensure employees understand, we can only ensure they are informed. We suggest terminology that says an employer shall ensure all workers are

		<p>educated.</p> <ul style="list-style-type: none"> • This section states that employer shall "ensure" that all workers understand the provisions of the Act and the regulations that pertain to his or her establishment. This seems to be a high legal threshold to meet. It will be difficult for [employers] to be totally sure that all its employees understand all the provisions of the Act and the regulations that pertain to them. The employer would have to have someone determine which parts of the regulations apply to each position (electrician, plumber, engineer, etc) then develop a program to inform the staff, then document the training and maintain the records demonstrating the training was done and is current. • [We] would prefer wording to the effect that each employer take every reasonable step to inform its workers of the requirements of the Act and regulations in the areas that pertain to them. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Paragraph (a) is re-worked to refer to the "worker's work at the work site". "Employment" is not used in the Act or in the regulations. • The comments raise a valid issue about the ability of an employer to "ensure understanding", and this section is reworked accordingly. • The intent of this provision is for the employer to do more than simply inform; workers must be well enough informed that they can comply with
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		<p>applicable requirements.</p> <ul style="list-style-type: none"> • Paragraph (b) in the consultation draft is covered by section 6 of the Act and is removed.
Informal Meetings to be Documented	Removed	
23. An employer shall ensure that, where informal meetings are used concerning health and safety related issues, the meetings are documented and records are made available to all workers at the work site.	Removed	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Informal becomes formal once documented. • For the purpose of documenting informal meetings and making records available to all workers on site, what constitutes an informal meeting? Does every conversation with individual employees or groups of employees regarding safety consideration of the work at hand or generally, constitute an 'informal meeting'? • This documenting requirement goes against the notion and practice of an informal meeting. Informal meetings are often a good way to resolve issues; we are concerned that formalizing the process with minutes and records will negate the benefits of informal meetings. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • There should be no requirement to document these meetings. It would however be a good practice on the part of the employer to do so. • Section 23 removed.
Training of Workers	Training of Workers	
24. (1) An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker at a work site when the worker	24. (1) An employer shall ensure that a worker is trained in those matters that are necessary to protect the health and safety of the worker at a work site when the worker	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Re: "trained in all matters" The words "all matters" are too vague and too broad.

<p>(a) begins work at the work site; or (b) is moved from one work activity or work site to another that differs with respect to hazards, facilities or procedures.</p>	<p>(a) begins work at the work site; or (b) is moved from one work activity or work site to another that differs with respect to hazards, facilities or procedures.</p>	<ul style="list-style-type: none"> • We need clarity as to whether:-The professional training that a nurse or other health staff gets to work in emergency or the lab, etc. provides the requisite safety training or if there is an additional requirement. • At the same time, what does it mean for a maintenance person walking into the lab or the chemo room to fix a broken light fixture? Do they need to be trained for the hazardous chemicals and radioactive substances that are used in those rooms? How do we define these situations? • CONCERNS: <ol style="list-style-type: none"> 1. The section does not direct that the employer should retain records of training for every worker, in the case of an investigation by a Safety Officer. 2. Records of training should also contain proof that the worker is up-to-date on all specialized training requirements. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Agrees that "all matters" is too broad, and changes "all" to "those". • The training described under subsection 24(1) is limited to OHS matters at a particular worksite. There is no authority under the <i>Safety Act</i>, and no intent under the proposed regulations, to regulate any other aspect of professional, trades or occupational training. • It is good management practice for an
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		employer to maintain training records, but a requirement is unnecessary.
<p>(2) The training required by subsection (1) must include</p> <ul style="list-style-type: none"> (a) procedures to be taken in the event of a fire or other emergency; (b) the location of first aid facilities; (c) identification of prohibited or restricted areas; (d) precautions to be taken for the protection of the worker from hazardous substances; (e) any procedures, plans, policies and programs that the employer is required to develop under the Act or any regulations made pursuant to the Act that apply to work at the work site; and (f) any other matters that are necessary to ensure the health and safety of the worker at the work site. 	<p>(2) The training required by subsection (1) must include</p> <ul style="list-style-type: none"> (a) procedures to be taken in the event of a fire or other emergency; (b) the location of first aid facilities; (c) identification of prohibited or restricted areas; (d) precautions to be taken for the protection of the worker from hazardous substances; (e) any procedures, plans, policies and programs that the employer is required to develop under the Act or any regulations made pursuant to the Act that apply to work at the work site; and (f) any other matters that are necessary to ensure the health and safety of the worker at the work site. 	
<p>(3) An employer shall ensure that the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work, and that the worker does not lose pay or benefits with respect to that time.</p>	<p>(3) An employer shall ensure that the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work, and that the worker does not lose pay or benefits with respect to that time.</p>	
<p>(4) An employer shall ensure that no worker is permitted to work unless he or she is a competent worker.</p>	<p>(4) An employer shall ensure that no worker is permitted to work unless he or she is a competent worker.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This defeats the purpose of the training, mentorship, apprenticeship programs. This should be reworded to reflect the training and mentorship programs i.e. 'An employer shall ensure that new workers (workers who are not yet competent' are provided with appropriate supervision, training and mentorship before they are permitted to

		<p>work independently.'</p> <ul style="list-style-type: none"> • Defeats a person gaining work experience. No one will ever be competent unless they have already worked at a task. • Indicates an employer shall ensure that no worker is permitted to work unless he or she is a competent worker. A worker may be hired based on a reasonable determination they are competent, but demonstrate over time that that is not the case. What is the employer's responsibility in this situation. The employer must have clear support for a determination that an employee is not competent, and cannot rely on indications, or early signs that are, at that point, inconclusive. Rather the employer must provide an opportunity to close gaps in demonstrated competencies. • Would the licensing and registration already required of doctors, nurses and trades people be sufficient to prove competence? • It might be prudent to define "competent worker". • Use of the word, "competent": See comments and suggestions for "competent" in s. 1 Definitions. • This Section will require the development of a new and exhaustive records keeping process. • Re (4)- "An employer shall ensure that no worker is permitted to work unless he or she is a competent worker". Who is to make this determination and
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		<p>against what standard? In what aspect of the job function must an employee demonstrate competency?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • See revised definition of "competent worker" in section 1, which includes workers being trained. • Professionals and their qualifications and competence are governed under other statutes. • A person who has a journeyman certificate in operating a crane might not necessarily be competent to operate all cranes. It is an indicator. The employer will have to ensure that the worker is a competent worker. • Whether a worker is a competent worker or not will be determined on the facts of a particular case.
<p>Workers' Contacts with Safety Officers</p>	<p>Workers' Contacts with Safety Officers</p>	
<p>25. (1) During an inspection or investigation by a safety officer at a work site, an employer shall allow any of the following to accompany the safety officer:</p> <ul style="list-style-type: none"> (a) a member of the Committee representing workers under subsection 45(3) or, in that member's absence, any other worker that the Committee may designate to represent workers; (b) the occupational health and safety representative or, in that representative's absence, any other worker that the representative may designate to represent workers; (c) if there is no Committee, a worker 	<p>25. (1) During an inspection or inquiry by a safety officer at a work site, an employer shall allow any of the following to accompany the safety officer:</p> <ul style="list-style-type: none"> (a) a member of the Committee representing workers under subsection 45(3) or, in that member's absence, any other worker that the Committee may designate to represent workers; (b) the representative or, in the representative's absence, any other worker that the representative may designate to represent workers; (c) if there is no Committee, a worker designated by the trade union 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • The same rights should be accorded to the employer. • A safety officer should define whether it is an inspection or an investigation that is being carried out. • A safety officer must also advise the employer if there are possibilities of charges. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The wording "inspections and inquiries" is used in paragraph 9(1)(a) of the Act. The wording "inspection or inquiry" is substituted in the revision to bring this subsection into conformity with section

<p>designated by the trade union representing workers; (d) if there is no trade union representing workers, a worker designated by a safety officer.</p>	<p>representing workers; (d) if there is no trade union representing workers, a worker designated by a safety officer.</p>	<p>9 of the Act.</p> <ul style="list-style-type: none"> Safety officers have very broad statutory powers to inspect and inquire, especially where they have reasonable cause to believe the Act or regulations are not being complied with (subsection 9(2) of the Act). Employers, workers and other persons also have a broad requirement to assist officers in their inspections and inquiries under the Act. The regulation making authority cannot restrict these powers.
<p>(2) An employer shall permit any worker or group of workers to consult with a safety officer during an inspection or investigation at a work site.</p>	<p>(2) An employer shall permit any worker or group of workers to consult with a safety officer during an inspection or inquiry at a work site.</p>	<p><u>Committee:</u> "Investigation" changed to "inquiry".</p>
<p>(3) An employer shall ensure that any time a worker consults with, assists or accompanies a safety officer during an inspection or investigation, that time is credited to the worker and he or she does not lose pay or benefits.</p>	<p>(3) An employer shall ensure that any time a worker consults with, assists or accompanies a safety officer during an inspection or inquiry, that time is credited to the worker and he or she does not lose pay or benefits.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> Significant time away from job duties needs to be approved in advance. Otherwise employers will be losing staff for indeterminate lengths of time without sufficient warning to obtain backfill or make alternate service arrangements for their business. What is meant by "that time is credited to the worker"? We understand the intent of this is that there is to be no loss of pay if a worker consults and/or accompanies a safety officer during an investigation but how does this apply if a worker does that during a regularly scheduled day of rest. <p><u>Committee:</u></p> <ul style="list-style-type: none"> There is some discretion on the part of the officer to limit the consultation and accompaniment. Normally a

		<p>consultation, assistance or accompaniment should not involve a significant time away from job duties. Approval in advance, or any type of approval, suggests an employer has discretion not to allow a worker to do these things. Such discretion would interfere with the powers and duties set out under section 9 of the Act. If a worker abuses this section, the worker could be in violation of section 10 of the Act, concerning hindering and obstructing the work of a safety officer.</p> <ul style="list-style-type: none"> • When a worker works on a regularly scheduled day of rest, the worker is not resting but working, and will be paid at the normal rate or overtime, depending on the terms of employment. A worker who accompanies a safety officer is working. As this is normally coordinated through the employer, the employer should be able to arrange consultation times that are reasonably convenient for all concerned. If the employer cannot do this, he or she must explain why to the safety officer. If the explanation is insufficient, it is possible that an obstruction charge could be laid under subsection 10(1) of the Act.
<p>Biological Monitoring</p>	<p>Biological Monitoring</p>	
<p>26. (1) In this section, "biological monitoring" means measuring a worker's total exposure to a hazardous substance that is present at a work site through the assessment of biological specimens collected from the worker.</p>	<p>26. (1) In this section, "biological monitoring" means measuring a worker's total exposure to a hazardous substance that is present at a work site through the assessment of biological specimens collected from the worker.</p>	<p><u>Stakeholders</u>: Does biological monitoring require the consent of the worker? If so, why? If not, why?</p> <p><u>Committee</u>: If biological monitoring is required to protect the OHS of workers, then consent is not required.</p>

<p>(2) If a worker is the subject of biological monitoring, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the worker is informed of the purposes and the results of the biological monitoring; (b) at the worker’s request, the detailed results of the biological monitoring are made available to a physician designated by the worker; and (c) the aggregate results of the biological monitoring are given to the Committee or occupational health and safety representative or, where there is no Committee or occupational health and safety representatives, the workers. 	<p>(2) If a worker is the subject of biological monitoring, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the worker is informed of the purposes and the results of the biological monitoring; (b) at the worker’s request, the detailed results of the biological monitoring are made available to a medical professional designated by the worker; and (c) the aggregate results of the biological monitoring are given to the Committee or representative. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • s. 26(2)(c) and privacy concerns This section is open to substantial interpretation: <ul style="list-style-type: none"> ○ Would an employee be required to provide a biological specimen? ○ What precautions are contemplated to ensure personal privacy? • This section could be expanded (or create a new one) to provide employers with the tools to establish a drug and alcohol monitoring program on workers involved in certain fields (marine, high hazard work). • When working in camps or small communities, could this be done on site, or would workers need to be sent back to [major centres]? • How long after project completion would monitoring be required? • Strongly recommend this for specialized work with heavy metals or nuclear exposure. The option to have a biological before-and-after picture could be helpful. However, there is a privacy issue that is partly addressed by Part 2, section 10. • The references to "hazardous material or substance" in s. 109 (requiring use of protective clothing, etc.) and elsewhere should be changed to "hazardous substance". <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The number of questions and comments
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		<p>on this section suggest that a code of practice would be appropriate to provide more detail on the practicalities of implementing testing programs for different types of substances, including systems for workers in remote locations. If included in the regulations, such details would make the regulations many times longer than they are.</p> <ul style="list-style-type: none"> • There is no personal privacy issue here, as personal privacy is protected by ATIPPA (in the case of public sector employers) and s. 11 of the <i>Safety Act</i>. Paragraph (2)(c), is modified so that aggregate results of biological monitoring are to be given to the OHS Committee or representative, not to workers generally. This section cannot be used to facilitate drug and alcohol monitoring programs. The definition in subsection (1) is aimed at "measuring a worker's total exposure to a <u>hazardous substance</u> that is present at a work site...". • With respect to other provisions related to a "hazardous material" or a "hazardous substance" (mainly PPE requirements and WHMIS provisions), consistent terminology needs to be used. Different parts of the draft regulations used "hazardous material or substance", "hazardous substance", and "hazardous material". Originally, none of these were defined terms. Part 22, the WHMIS provisions, speaks of "hazardous materials", but not all hazardous materials fall under WHMIS. A definition of "hazardous substance" has been
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		added in section 1, incorporating the already-defined "controlled product", but recognising that there are also other hazardous substances: "hazardous substance" now means "a controlled product or any other product, material or substance that is hazardous".
(3) The results of any biological monitoring carried out under these regulations are deemed to be medical information under section 10.	(3) The results of any biological monitoring carried out under these regulations are deemed to be medical information under section 10.	
Duty to Provide Occupational Health and Safety Program	Occupational Health and Safety Program	
27. An employer shall provide an occupational health and safety program under section 28 if (a) there are ten or more workers employed at the work site; or (b) the employer is so directed by the Chief Safety Officer.	27. (1) An employer shall provide an occupational health and safety program under this section if (a) there are 20 or more workers employed at the work site; or (b) the employer is so directed by the Chief Safety Officer.	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> On what basis will CSO direct that employer provide an OHS program pursuant to s. 27 This is onerous for small employers to implement. It is more reasonable to place this expectation on larger employers, and at the discretion for the Chief Safety Officer for smaller employers. Further, in construction, there may be 10 workers at a work-site for the duration of a project but fewer than 10 working for any one employer. It is not clear if the requirement to have a program would apply in this case. We propose that the threshold for implementing a health and safety program be increased to 20 workers (as is typical in other jurisdictions), and that a definition be provided for determining the number of workers, for example, by averaging the number of full and part time workers present at a workplace over a twelve month period. Responsibility for implementation of

		<p>these requirements should be clearly delineated where there are multiple employers working at the same work site, as is typical in construction.</p> <ul style="list-style-type: none"> • Need to clarify this provision. Will this require mobile work forces to create [a program] every time there are 10 or more at the same location? <p><u>Committee:</u> Sections 27 and 28 are revised and merged. The threshold is raised to 20 in response to stakeholder comments. Responsibility where there are multiple employers is dealt with in section 4. Paragraph (b) is a at the discretion of the CSO.</p>
Occupational Health and Safety Program	Removed	
<p>28. (1) An occupational health and safety program for a work site must include</p> <ul style="list-style-type: none"> (a) a statement of the employer’s policy with respect to the protection and maintenance of the health and safety of the workers; (b) an identification of existing and potential risks to the health or safety of workers at the work site, through a hazard recognition program, and measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate and control those risks; (c) an identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (d) a statement of the responsibilities of the employer, the supervisors and 	<p>(2) An occupational health and safety program for a work site must include</p> <ul style="list-style-type: none"> (a) a statement of the employer’s policy with respect to the protection and maintenance of the health and safety of the workers; (b) an identification of existing and potential risks to the health or safety of workers at the work site, through a hazard recognition program, and measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate and control those risks; (c) an identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency; (d) a statement of the responsibilities 	<p><u>Stakeholders:</u> The proposed regulations require employers with a small number of workers to put a lot of hours and resources into creating occupational health and safety programs for each different type of work.</p> <p><u>Committee:</u> Agreed. Threshold changed. See subsection (1).</p>

<p>the workers;</p> <ul style="list-style-type: none"> (e) a schedule for the regular inspection of the work site and of work processes and procedures; (f) a plan for the control of any hazardous substance handled, used, stored, produced or disposed of at the work site and, where appropriate, the monitoring of the work environment; (g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act ; (h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 13 of the Act ; (i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 13 of the Act; and (j) a procedure to review and, where necessary, revise the occupational health and safety program at specified intervals that are not greater than three years or whenever there is a change of circumstances that may affect the health or safety of workers. 	<p>of the employer, the supervisors and the workers;</p> <ul style="list-style-type: none"> (e) a schedule for the regular inspection of the work site and of work processes and procedures; (f) a plan for the control of any hazardous substance handled, used, stored, produced or disposed of at the work site and, where appropriate, the monitoring of the work environment; (g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act; (h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 13 of the Act; (i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 13 of the Act; and (j) a procedure to review and, where necessary, revise the occupational health and safety program at specified intervals that are not greater than three years or whenever there is a change of circumstances that may affect the health or safety of workers. 	
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<p>(2) An occupational health and safety program must be established and designed in consultation with</p> <ul style="list-style-type: none"> (a) the Committee or occupational health and safety representative, if any; and (b) the workers. 	<p>(3) An occupational health and safety program must be established and designed in consultation with</p> <ul style="list-style-type: none"> (a) the Committee or representative; and (b) the workers. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • The establishment and design of an occupational health and safety program as described in 28(1) [now 27(2)], must be in consultation with the committee, a rep, and with workers. What does consultation mean in this context as to consultation with the committee or a rep? As to consultation with workers, what does this entail and does it entail all workers? This could be a cumbersome and ineffective approach for employers with thousands of employees. Greater clarity on the requirement is needed. • There is a possibility that section 28 and the committee system set up in Part 4 could be exploited by labour to create inequality in respect of collective bargaining vis a vis an employer. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • For small businesses with fewer than 20 workers, this section will generally not apply. • There may be some difficulties in implementing a program where there is a large work force, but under the <i>Safety Act</i> and the draft regulations OHS plans are work site specific, not employer-specific. • At unionized work sites collective bargaining is entirely outside the scope of the <i>Safety Act</i> and regulations and the OHS program is not to be used for that purpose. • Details of the contents of the program
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		can be set out in a code of practice or guidelines from the CSO.
(3) An occupational health and safety program must be in writing and must be made available on request to the Committee, occupational health and safety representative, the workers or a safety officer .	(4) An occupational health and safety program must be in writing and be made available to the workers.	
(4) Where the work at a work site is carried on pursuant to contracts between a principal contractor and two or more employers, the principal contractor shall coordinate the occupational health and safety programs of all employers at the work site.	Removed	<u>Committee</u> : This is not needed. It is covered under section 4 and 7 of the Act.
Examination of Plant	Examination of Work site	
29. An employer shall (a) arrange for the regular examination of any plant under the control of the employer or owner to ensure, to the extent that is practicable, that the plant is capable of (i) withstanding stress likely to be imposed on the plant, and (ii) safely performing the functions for which the plant is used; and (b) as soon as is practicable, correct any unsafe condition found in the plant and take steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected.	29. An employer shall (a) arrange for the regular examination of a work site under the control of the employer or owner to ensure, to the extent that is practicable, that the work site is capable of (i) withstanding stress likely to be imposed on the work site, and (ii) safely performing the functions for which the work site is used; and (b) as soon as is practicable, correct an unsafe condition found in the work site and take steps to protect the health and safety of a worker who may be at risk until the unsafe condition is corrected.	<u>Committee</u> : “plant” changed to “work site”, generally throughout the draft.
Identifying Mark of Approved Equipment	Identifying Mark of Approved Equipment	
30. An employer or supplier shall ensure any equipment and personal protective equipment that is required by these regulations to be approved by a named agency, has the seal, stamp, logo or similar identifying mark of the	30. An employer or supplier shall ensure any equipment and personal protective equipment that is required by these regulations to be approved by a named agency, has the seal, stamp, logo or similar identifying mark of the	<u>Stakeholders</u> : Clarify that these agencies will be listed in a schedule to the regulations. <u>Committee</u> : It is preferable to avoid stating what agencies are approved in the regulations. That is

<p>agency indicating its approval and is affixed to</p> <ul style="list-style-type: none"> (a) the equipment or personal protective equipment; or (b) the packaging accompanying the equipment or personal protective equipment. 	<p>agency indicating its approval and is affixed to</p> <ul style="list-style-type: none"> (a) the equipment or personal protective equipment; or (b) the packaging accompanying the equipment or personal protective equipment. 	<p>better done in a code of practice, as the list of agencies will change from time to time for specific types of equipment. Section 30 works with codes of practice, so that those agencies approved in the codes of practice will apply for each Part, or even for specific types of equipment.</p>
<p>Maintenance and Repair of Equipment</p>	<p>Maintenance and Repair of Equipment</p>	
<p>31. (1) An employer shall ensure that all equipment is maintained at intervals that are sufficient to ensure the safe functioning of the equipment.</p>	<p>31. (1) An employer shall ensure that all equipment is maintained at intervals that are sufficient to ensure the safe functioning of the equipment.</p>	
<p>(2) Where a defect is found in equipment, an employer shall ensure that, as soon as is practicable,</p> <ul style="list-style-type: none"> (a) steps are taken to protect the health and safety of any worker who may be at risk until the defect is corrected; and (b) the defect is corrected by a competent worker or the equipment is replaced . 	<p>(2) Where a defect is found in equipment, an employer shall ensure that, as soon as is practicable,</p> <ul style="list-style-type: none"> (a) steps are taken to protect the health and safety of any worker who may be at risk until the defect is corrected; and (b) the defect is corrected by a competent worker or the equipment is replaced . 	<p><u>Stakeholders:</u> When there is a fatality we need to have copy of the maintenance performed on the equipment revise to: (2) Where a defect is found in equipment, an employer shall ensure that, without delay...</p> <p><u>Committee:</u> The proposed revision is unnecessary. Section 31 applies if a defect is found, but there is no indication that death has occurred. If that were the case, sections 8, 9, 35 and 36 (concerning accidents causing serious bodily injury) will apply. A defect in equipment does not automatically mean there is a compromise of health and safety. It may also not be reasonably practicable to correct the defect. This is an example of balancing the need for OHS with operational effectiveness.</p>
<p>(3) A worker who knows or has reason to believe that equipment under his or her control is not in a safe condition shall, as soon as is practicable,</p> <ul style="list-style-type: none"> (a) report the condition of the equipment to the employer; and (b) repair the equipment, if the worker is authorized and competent to do 	<p>(3) A worker who knows or has reason to believe that equipment under his or her control is not in a safe condition shall, as soon as is practicable,</p> <ul style="list-style-type: none"> (a) report the condition of the equipment to the employer; and (b) repair the equipment, if the worker is authorized and competent to do 	

so, replace the equipment or remove the equipment from service.	so, replace the equipment or remove the equipment from service.	
Boilers and Pressure Vessels	Boilers and Pressure Vessels	
32. An employer shall ensure that any boiler or pressure vessel used at a work site is properly constructed and maintained even if there is no requirement to inspect or register it pursuant to the <i>Boilers and Pressure Vessels Act</i> .	32. An employer shall ensure that any boiler or pressure vessel used at a work site is properly constructed and maintained even if there is no requirement to inspect or register it pursuant to the <i>Boilers and Pressure Vessels Act</i> .	
Prohibited Use of Compressed Air	Prohibited Use of Compressed Air	
33. No employer shall require or permit compressed air to be directed towards a worker for (a) the purpose of cleaning clothing or personal protective equipment; or (b) any other purpose.	33. No employer shall require or permit compressed air to be directed towards a worker for (a) the purpose of cleaning clothing or personal protective equipment used by that worker; or (b) any other purpose if the use of compressed air may cause dispersion into the air of contaminants that may be harmful to workers.	<u>Stakeholders:</u> Remove "any other purpose", as some need compressed air for diving. <u>Committee:</u> The proposed redraft is too restrictive. Compressed air could be used for cleaning purposes. Paragraph (a) simply avoids the situation of the PPE being cleaned with compressed air while it is being used by the worker, creating a danger of contamination from dispersion. Paragraph (b) prevents other uses that could result in dispersion of contaminants, but use of compressed air by divers would not be in this category.
Inspection of Work Sites	Inspection of Work Sites	
34. (1) An employer shall enable members of the Committee or the occupational health and safety representative to inspect a work site at reasonable intervals determined by the Committee or occupational health and safety representative and employer.	34. (1) An employer shall enable members of the Committee or the representative to inspect a work site at reasonable intervals determined by the Committee or representative and employer.	
(2) On written notice by the Committee or occupational health and safety representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer shall, as soon as is practicable, (a) take steps to protect the health and safety of any worker who may be at risk until the unsafe condition is	(2) On written notice by the Committee or representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer shall, as soon as is practicable, (a) take steps to protect the health and safety of any worker who may be at risk until the unsafe condition is	

<p>corrected or the contravention is remedied;</p> <p>(b) take suitable action to correct the unsafe condition or remedy the contravention; and</p> <p>(c) inform the Committee or occupational health and safety representative in writing</p> <p>(i) of the steps and action the employer has taken or will take pursuant to paragraphs (a) and (b), or</p> <p>(ii) if the employer has not taken steps and action pursuant to paragraphs (a) and (b), the reasons for not taking the steps or action.</p>	<p>corrected or the contravention is remedied;</p> <p>(b) take suitable action to correct the unsafe condition or remedy the contravention; and</p> <p>(c) inform the Committee or representative in writing</p> <p>(i) of the steps and action the employer has taken or will take pursuant to paragraphs (a) and (b), or</p> <p>(ii) if the employer has not taken steps and action pursuant to paragraphs (a) and (b), the reasons for not taking the steps or action.</p>	
<p>Investigation of Certain Accidents</p>	<p>Investigation of Certain Accidents</p>	
<p>35. (1) Subject to section 36, an employer shall ensure that every accident or occurrence described under section 8 or 9 is investigated as soon as is reasonably possible by</p> <p>(a) the Committee or occupational health and safety representative and the employer ; or</p> <p>(b) where there is no Committee or occupational health and safety representative, the employer.</p>	<p>35. (1) Subject to section 36, an employer shall ensure that every accident causing serious bodily injury or dangerous occurrence is investigated as soon as is reasonably possible by</p> <p>(a) the Committee or representative and the employer ; or</p> <p>(b) where there is no Committee or representative available, the employer.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This is not reasonable as there is no limit or qualification based upon the severity or risk. • Is this title correct or should it simply read "Investigation of Accidents". <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This section should only refer to "accidents causing serious bodily injury" and "dangerous occurrences". Draft section 35 reflects an issue that is corrected by adding definitions for "accident causing serious bodily injury" and "dangerous occurrence" in section 1. • What was section 37 is combined with this section and section 37 is removed. This is an additional revision to sections

		<p>35 and 37 that was not covered in Volume 1.</p> <ul style="list-style-type: none"> The title should be "Investigation of Certain Accidents". This section does not apply to all accidents, just accidents causing serious bodily injury and dangerous occurrences.
<p>(2) After the investigation of an accident, an employer shall, in consultation with the Committee or occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, prepare a written report that includes</p> <ul style="list-style-type: none"> (a) a description of the accident; (b) any graphics, photographs or other evidence that may assist in determining the causes of the accident; (c) an explanation of the causes of the accident; (d) the immediate corrective action taken; and (e) any long-term action that will be taken to prevent the occurrence of a similar accident or the reasons for not taking action. 	<p>(2) After the investigation of an accident causing serious bodily injury or dangerous occurrence, an employer shall, in consultation with the Committee or representative or, where there is no Committee or representative available, the workers, prepare a written report that includes</p> <ul style="list-style-type: none"> (a) a description of the accident or dangerous occurrence; (b) any graphics, photographs or other evidence that may assist in determining the causes of the accident or dangerous occurrence; (c) identification of any unsafe conditions, acts or procedures which contributed in any manner to the accident or dangerous occurrence; (d) an explanation of the causes of the accident or dangerous occurrence; (e) the immediate corrective action taken; and (f) any long-term corrective action that will be taken to prevent the occurrence of a similar accident or dangerous occurrence or the reasons for not taking action. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> What is done with the report and how long may it take? Suggests [adding]: <ul style="list-style-type: none"> (c) identification of any unsafe conditions, acts or procedures which contributed in any manner to the incident; <p><u>Committee:</u></p> <ul style="list-style-type: none"> Agrees with suggestion and includes it in the revision as paragraph (2)(c). What is done with the report is up to the employer, Committee or representative. It might be used by a safety officer who makes further inspections or inquiries.
Preserving Scene of Accident	Preserving Scene of Accident Causing Death	
36. (1) Unless expressly authorized by statute or	36. (1) Unless expressly authorized by statute	<u>Stakeholders:</u>

<p>by subsection (2), no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article, document or thing at the scene of or connected with an accident causing a death until a safety officer has completed an investigation of the circumstances surrounding the accident.</p>	<p>or by subsection (2), no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article, document or thing at the scene of or connected with an accident causing a death until a safety officer has completed an investigation of the circumstances surrounding the accident.</p>	<ul style="list-style-type: none"> • In the case of a fatality, is it the intent that the deceased be left in place until the investigation is complete? In remote locations with bad weather, that could be days. • What if Coroner or RCMP grant permission? Is this a conflict? • The detail may produce inconsistencies with other acts and may conflict with other regulatory investigation processes. For example, which takes precedence in a fire situation: WSCC Safety Regulations or the Fire Prevention Act and its related regulations?
<p>(2) Where an accident causing a death occurs and a safety officer is not able to complete an investigation of the circumstances surrounding the accident, the safety officer may, unless prohibited by statute, grant permission to move any wreckage, articles or other things at the scene or connected with the accident, to any extent that may be necessary to allow work to proceed, if he or she is satisfied that</p> <ul style="list-style-type: none"> (a) graphics, photographs or other evidence showing details at the scene of the accident are made before the safety officer grants permission; and (b) the Committee or occupational health and safety representative, if one exists, has inspected the site of the accident and agreed that things may be moved. 	<p>(2) Where an accident causing a death occurs and a safety officer is not able to complete an investigation of the circumstances surrounding the accident, the safety officer may, unless prohibited by statute, grant permission to move any wreckage, articles or other things at the scene or connected with the accident, to any extent that may be necessary to allow work to proceed, if he or she is satisfied that</p> <ul style="list-style-type: none"> (a) graphics, photographs or other evidence showing details at the scene of the accident are made before the safety officer grants permission; and (b) the Committee or representative, if available, has inspected the site of the accident and agreed that things may be moved. 	<p><u>Committee:</u></p> <ul style="list-style-type: none"> • The original heading is inaccurate as the type of accident involved is an accident causing death. The heading has been changed in the revision. • Under subsection (1), the interference with the site for the purpose of saving life or relieving suffering is a legitimate purpose that overrides any investigative purpose. • Directions made by coroners or RCMP officers are made under a different statute (e.g. the section 129 of the <i>Criminal Code</i> or section 17 of the <i>Coroners Act</i>), and are covered by the “Unless expressly authorized by statute” provision of subsection (1).
<p>Investigation of Dangerous Occurrences</p>	<p>Removed</p>	
<p>37. (1) An employer shall ensure that every dangerous occurrence described in subsection 9(1) is investigated as soon as is reasonably possible by</p>	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Why do we need section 37 if it is covered by section 35?

<p>(a) the Committee or the occupational health and safety representative and the employer ; or</p> <p>(b) where there is no Committee or occupational health and safety representative, the employer.</p>		<p><u>Committee:</u></p> <ul style="list-style-type: none"> • Agrees. Section 37 is removed. Sections 35 and 36 refer to both accidents causing serious bodily injury and dangerous occurrences. See comments in section 35. • This is another modification that was not contained in volume 1.
<p>(2) After the investigation of a dangerous occurrence, an employer shall, in consultation with the Committee or occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, prepare a written report that includes</p> <p>(a) a description of the dangerous occurrence;</p> <p>(b) any graphics, photographs or other evidence that may assist in determining the causes of the dangerous occurrence;</p> <p>(c) an explanation of the causes of the dangerous occurrence;</p> <p>(d) the immediate corrective action taken; and</p> <p>(e) any long-term action that will be taken to prevent the occurrence of a similar dangerous occurrence or the reasons for not taking action.</p>	<p>Removed</p>	
<p>Injuries Requiring Medical Treatment</p>	<p>Injuries Requiring Medical Treatment</p>	
<p>38. An employer shall</p> <p>(a) report to the Committee or occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, any lost time injury at the</p>	<p>38. An employer shall</p> <p>(a) report to the Committee or representative or, where there is no Committee or representative available, the workers, any lost time injury at the work site that results in a worker receiving medical</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • By what date? • Providing this information to all the workers, especially in a small worksite, may be considered a breach of privacy. • The individual reports are not appropriate to share, but a rollup report,

<p>work site that results in a worker receiving medical treatment; and (b) allow the Committee members or the occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, a reasonable opportunity to review the lost time injury report during normal working hours and without loss of pay or benefits.</p>	<p>treatment; and (b) allow the Committee members or representative or, where there is no Committee or representative available, the workers, a reasonable opportunity to review the lost time injury report during normal working hours and without loss of pay or benefits.</p>	<p>such as is already prepared and shared in many [employers] would be acceptable. This is a confidentiality issue, especially in the North where there are mostly small communities and small workplaces.</p> <p><u>Committee</u>: Section 11 of the <i>Safety Act</i> provides restrictions on disclosure. Section 48 of ATIPPA also has a role to play (for public sector employers): ATIPPA does not create an absolute right of privacy, but it does control how personal information is disclosed. Committee recommends CSO provide guidelines to reporting. When the employer must report to the Committee, representative or workers is up to the employer and possibly the Committee, representative or workers. A lost time injury report is not going to have personal information in it but rather statistics.</p>
<p>Work Where Visibility Restricted</p>	<p>Work Where Visibility Restricted</p>	
<p>39. Where visibility in an area at a work site is restricted by smoke, steam or any other substance to the extent that a worker is at risk of injury, an employer shall not require or permit the worker to work in that area unless the employer provides the worker with an effective means of communication with another worker who is readily available to provide assistance in an emergency.</p>	<p>39. Where visibility in an area at a work site is restricted by smoke, steam or any other substance to the extent that a worker is at risk of injury, an employer shall not require or permit the worker to work in that area unless the employer provides the worker with an effective means of communication with another worker who is readily available to provide assistance in an emergency.</p>	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • This provision creates difficulty for employers in a number of areas, including firefighters and linesmen working in severe weather. • Several points of clarification would assist an employer in meeting its responsibilities under this section: <ul style="list-style-type: none"> - What is meant, in practical terms, by “at risk of injury”? - This is a broad statement; it is unclear if this would apply to workers working outside or in vehicles in inclement weather causing reduced visibility. - What is meant by “another

		<p>worker who is readily available to provide assistance in an emergency"? Able to respond immediately, thus present on the same worksite? Or able to respond within a certain timeframe, or some other basis?</p> <p><u>Committee:</u> Firefighters must have some means of communication with other firefighters (radio, visual, runners, PASS etc.). A lineman who works in this type of environment should have an effective means of communication with another worker.</p> <p>This section applies to an area at a work site that is restricted by a substance: that substance could include rain or snow, particularly if the work site involves workers working outside or in vehicles.</p> <p>"Injury" is a defined term. "Risk" means there is a probability of something (negative) happening.</p> <p>"Readily available" means available on demand with a minimum of delay between the demand, response and rendering of assistance.</p>
<p>Work on Ice Over Water</p>	<p>Work on Ice Over Water</p>	
<p>40. (1) This section does not apply to work on a seasonal highway on a frozen body of water built and maintained under the <i>Seasonal Highway Regulations</i>.</p>	<p>40. (1) This section does not apply to</p> <ul style="list-style-type: none"> (a) highways, as defined in section 1 of the <i>Motor Vehicles Act</i>, built and maintained by the Department of Transportation; or (b) roads that are built and maintained to an approved standard. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Article 40, Work on Ice Over Water - It [is] very hard for the employer to test the ice before we send our rescuers on ice to rescue someone. Example: a Fire Department receives a call for an individual having a heart attack on [a lake]. [The fire department may have to travel over several lakes] that are

		<p>probably more than 1 meter deep. The proposed regulations imply the employer will test the ice over all these bodies of water before crossing with snowmobiles to ensure the safety of the workers. [The] current method of testing ice is to cut a hole in the ice with an ice auger and measure the thickness; this process takes a lot of time and does not tell you the ice is thick enough everywhere, but only the general area where you tested. Basically, if the employer has to test the ice over water everywhere before a worker goes on it, to ensure the workers' safety, it will take a very long time to get to the individual having a heart attack. Could WSCC provide [us] with information that other jurisdictions might be using so [we] have some sort of template to work from for Work on Ice Over Water?</p> <ul style="list-style-type: none"> • Provisions re: ice thickness and loading? Record keeping? Should a door be open when PME is operated? Need to carry a defibrillator? Seasonal restrictions? • Why are workers on seasonal highways excluded? There is no protection under that Regulation so those workers are left unprotected. [We] have serious concerns that section 3 is impractical and unreasonable. Unless our ice roads are considered highways, each employer using the road would have to determine ice thickness on their own prior to letting their employees on the ice. This would include contractors and trucking companies.
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		<p><u>Committee:</u></p> <ul style="list-style-type: none"> • The GNWT Department of Transportation has its own protocols for safety on ice roads: <i>A Field Guide to Ice Construction Safety</i> (2007) available at: www.dot.gov.nt.ca. Private companies might build ice roads to similar standards. Paragraph (1)(b) is added so that OHS standards for private roads may be approved by the Chief Safety Officer. • A new subsection (3) is added to allow exemption of emergency workers or others from the requirement of subsection (2). The exemption however is tempered in that the CSO must be satisfied other measures have been taken to mitigate the risk to the emergency worker. Methods might include using a safety line or having another worker watch the one on the ice. • Subsections (4), (5) and (6) are addressed elsewhere in the regulations (e.g. life jackets are mentioned in section 117). These subsections are deleted.
<p>(2) Prior to any work on ice where the water beneath the ice is more than 1 m deep and a load is to be placed on the ice, an employer shall ensure that the load</p> <ul style="list-style-type: none"> (a) is supported by the ice; or (b) will not sink in the water under the ice should the ice break. 	<p>(2) Before a worker is required or permitted to work or travel on ice that is over water or over other material into which a worker could sink more than one metre, an employer shall have the ice tested to ensure that the ice will support the load that the work or travel will place on the ice.</p>	<p><u>Stakeholders:</u> Section 40(2) (a) ... is supported by the ice; or (b) will not sink in the water under the ice should the ice break. This Section is not clear. [We] follow DOT guideline tables assuming that the ice is safe for the load.</p> <p><u>Committee:</u> Revised to improve clarity.</p>
<p>(3) An employer shall test the ice for the purposes of subsection (2)</p> <ul style="list-style-type: none"> (a) before work begins; and 	<p>(3) The requirement of subsection (2) may be waived by the Chief Safety Officer if an employer or worker</p>	<p><u>Committee:</u> Added to address concerns of stakeholders about emergency work, including rescue operations.</p>

<p>(b) during the work as often as necessary to ensure the safety of the workers.</p>	<p>(a) needs to work or travel over ice that is over water or over other materials more than one metre in depth; and (b) satisfies the Chief Safety Officer that other measures have been taken to mitigate the risk to the worker should the ice fail to support the load.</p>	
<p>(4) An employer shall develop, implement and communicate to workers safe work practices and procedures prior to allowing any work on ice.</p>	<p>Removed</p>	<p><u>Stakeholders:</u> Our field guide ensures compliance to 40(4). <u>Committee:</u> matter covered elsewhere; subsection deleted.</p>
<p>(5) Where a worker is required to work on ice, an employer shall ensure that the worker is trained in (a) hazard recognition and safe work practices and procedures on ice; and (b) rescue survival techniques in case of emergency.</p>	<p>Removed</p>	<p><u>Stakeholders:</u> The implications of the draft Health and Safety Regulations are significant and if enacted will add costs and administrative burden to your business and may severely limit your ability to operate (particularly if your workers engage in cold weather work). If enacted your business will be required to:</p> <ul style="list-style-type: none"> • Provide new training (including such training as rescue survival techniques) if you have employees who work in cold weather. <p><u>Committee:</u> matter covered elsewhere; subsection deleted. This comment may be more directed at section 41.</p>
<p>(6) A worker on ice shall, while measuring or testing ice thickness, wear a personal flotation device.</p>	<p>Removed</p>	<p><u>Stakeholders:</u> While measuring or testing ice thickness, wear a personal flotation device: this section should be clarified. During construction, flotation devices are used as per DOT Field Guide. Once construction is complete and an ice road is in maintenance mode, under normal circumstances there is no need to wear a flotation device during ice testing. <u>Committee:</u> Paragraph 40(1)(a) deals with this.</p>

Cold Weather Work	Removed	
<p>41. (1) In this section,</p> <p>"emergency work" means any work involving</p> <ul style="list-style-type: none"> (a) the rescue of a person from a life-threatening situation, or (b) the prevention of a person from being in a life-threatening situation; <p>"wind chill" means the chilling effect and apparent temperature felt on exposed skin due to the combination of air temperature and wind speed and is calculated in the approved manner.</p>	<p>Removed</p>	<p><u>Committee:</u></p> <ul style="list-style-type: none"> • Section 41 was the most contentious provision in the draft regulations. • The level of regulating in the consultation draft was deemed to be too great, and the section has been deleted. There are standards in existence in respect of exposure to harsh weather, such as the Defence Research and Development Canada (DRDC) Wind Chill Chart and the Environment Canada Wind Chill Chart. Subsection 81(3) deals with outdoor temperature and places an obligation on an employer. Draft section 41 is repetitive of that subsection. A code of practice for section 81 can include wind chill exposure information. There are also American Conference of Governmental Industrial Hygienists (ACGIH) standards in respect of work shift times in such conditions (as pointed out by a stakeholder). <p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • s.41 Cold weather work is this practical? Are temperatures consistent with current industry practice? • This topic is of particular concern to [our group] on a number of levels. The first thing that came to mind from the management was the loss of revenues, contract penalties and infrastructure damages. Then members examined the reasonableness of the mandatory -45 degrees or less in light of what other jurisdictions do. Inuit workers

		<p>commented that at this temperature it is still safe to be out on the land hunting if dressed properly. There is no definition of what specifically constitutes "cold weather work", which causes additional speculation about what would be permitted tasks at or below -45.</p> <ul style="list-style-type: none"> • Perceived Impacts: The first concern is income losses as a result of closing down outdoor operations at less than -45, when exposure time is less than 5 minutes. It is unlikely the business interruption insurance would compensate for lost income over legislated temperature requirements. • Secondly, there is concern especially on projects with specified completion dates, in remote areas, that being required to close down work at a temperature that is relatively common in the winter months would see them faced with contract financial penalties and fines. • Thirdly, it was pointed out that in camps and when dealing with property, failure to make an inspection on the required schedule could lead to failures in infrastructure and mechanical systems that could once they happen put life at risk. The emergency is not imminent but is plausible. • Based on Environment Canada Statistical Data over the last 30 years for Iqaluit, days with a wind chill below -40 are as follows: <table data-bbox="1428 1282 1680 1385" style="margin-left: 40px;"> <tr> <td>November</td> <td>2</td> </tr> <tr> <td>December</td> <td>12</td> </tr> <tr> <td>January</td> <td>19</td> </tr> </table> 	November	2	December	12	January	19
November	2							
December	12							
January	19							

		<p>February 18 March 14 April 3</p> <ul style="list-style-type: none"> • With wind gusts on any one of those day business operations would be shut down. We examined the daily temperatures and wind speeds and found a -45 or lower factor on the majority of those days in the last few years. December through March, with operations seven days a week, businesses would face significant losses and hourly employees would face reduced incomes. • Factors in Determining a Reasonable Temperature Acclimation: It is a documented fact that people become acclimated to extreme temperatures and therefore what might have serious adverse affects on the average worker might not on others. In the North, Inuit workers are acclimated to the extreme cold through generations of living here. Part of the ability to survive exposure to the cold is the knowledge of how to dress properly and to seek shelter at reasonable intervals. Non-Inuit employees are also well protected when they are exposed to cold. With the length of winter it is not uncommon for these employees to acclimate to extreme colds as well. • Statistical Information: Environment Canada among other agencies has published any number of charts and schedules indicating what various exposure times pose what risks. According to the Alberta manual (page
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		<p>51), in 2005, Environment Canada indicated a high risk of frostbite for most people in 2 to 5 minutes was at -44 to -54. Exposures of less than 2 minutes at -55 or less were considered a high risk for most people. Based on this any task which would require an exposure time of less than 5 minutes, especially if suitably dressed should not be prohibited at -45. Nunavut workers are not "average", they are most certainly acclimated and can tolerate more cold.</p> <ul style="list-style-type: none"> • Policy Examples: In Nunavut, schools are not closed until temperatures are less than -50. In Fort McMurray operations are not shut down until -52. The City of Iqaluit will not cancel or postpone the annual outdoor Santa Claus parade even at temperatures of -55. • Recommended Approach to Cold Weather Work: • Rather than unilaterally dictating a specific temperature or cold weather work to shut down the Yukon (Section 9) takes a less intrusive approach. They require the employer to provide reasonable protection and list appropriate measures. Likewise, Newfoundland and Labrador takes a similar approach in their Regulations (Section 10) by requiring additional protective provisions than would normally be on a work site where the thermal environment is not a concern. In fact, no other Canadian jurisdiction imposes a specific temperature, except Manitoba at less than -32, and even that specifies it must be "continuous" skin
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		<p>exposure.</p> <ul style="list-style-type: none"> • Before imposing an artificial and arbitrary number to shut down outdoor work more research is needed into what the residents of a specific area, on average, set as the limit for when they will not go out for any reason except an emergency. There is likely to be significant differences between the two territories. If -55 is still suitable for what amounts to recreational activities in Nunavut it is totally unacceptable to shut down work for a temperature of -45 with suitable protection and work procedures. • [We] strongly support these prescriptive provisions. Inclusion of specific "emergency work" allows flexibility in implementation of this provision. Very important NT and NU be leading jurisdictions when it comes to dealing with the occupational hazards of cold weather work. • Section 41(5) requires that non-emergency work be stopped if the wind chill falls below -45 C. We are of the view that this is unrealistic given the cold weather in the winter months in the [North]. This will essentially stop construction work for a good portion of the winter and will have a significant adverse economic impact on the region. We recognize that there are hazards associated with working in cold temperatures and believe that the Safety Advisory Committee (SAC) should focus on requiring the employer to assess risk and implement control
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		<p>measures to address the issues. Control measures could include providing heated warming shelters, pacing the work with increased opportunity for rest breaks at cold temperatures, proper supervision, appropriate protective clothing, worker training and safe work procedures.</p> <ul style="list-style-type: none"> • As an alternative to the current wording we propose that the SAC adopt wording such as: “When a workplace or work process exposes a worker to conditions that may create a risk to the worker’s safety and health because of extreme heat or cold, an employer must implement safe work procedures and control measures to ensure that the worker is provided with information, instruction, and training in the symptoms of thermal stress and the precautions to be taken to avoid injury from thermal stress.” We also propose that detailed guidance on the types of control measures to adopt when working in extreme heat or cold be included in a code of practice or other supporting document as is the case in many other Canadian jurisdictions. • The complaint about not working in extreme cold weather has some merit but again the solution is to shorten exposure times by having shorter work periods and to provide warming stations. • Most of the maintenance work performed by our staff is on equipment housed inside heated buildings. During the winter months, outside work is
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		<p>limited to critical maintenance only. Cold weather work, s. 41, could have significant impact on our ability to meet contractual obligations. Is the intent of s. 41(5) to limit only sustained outside work when temperatures is <-45°C? Specifically if the temperature is -46°C, is it OK for staff to load a helicopter, fly to a remote site, unload the helicopter and then perform work on equipment inside the heated buildings? Loading and unloading is approximately one hour effort. In other words can people load and unload their vehicle and travel to and from an inside work site if the temperature is <-46°C?</p> <ul style="list-style-type: none"> • The whole matter of cold work should be reconsidered. It is not apparent that any consideration has been given to damage to property that could be prevented by work in extreme cold. Extreme cold weather work is not inherently hazardous provided certain conditions are met (workers are adequately protected from the cold; workers can take adequate breaks; there is a means at site for them to warm up such as a shelter or vehicle; they are not working alone; a buddy system is used to watch for frostbite). • Additional points: <ul style="list-style-type: none"> • in s. 41(1) "emergency work" is defined as the rescue of a person from a life threatening situation and the prevention of a person from being in a life threatening situation. • Would this not prevent utility
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		<p>company employees from working to fix a power outage in the cold? While the situation might not be immediately life threatening, it could develop into a life threatening situation over time.</p> <ul style="list-style-type: none"> • In a case such as this damage to property could quickly become substantial. Has liability been considered? • Refer to ACGIH Guidelines. The ACGIH has adopted the guidelines developed by the Saskatchewan Labour for working outdoors in cold weather conditions. These guidelines recommend protective clothing and limits on exposure time (Table 4). The recommended exposure times are based on the wind chill factor, a scale based on air temperature and wind speed. The work-break schedule applies to any four-hour period with moderate or heavy activity. The warm-up break periods are of 10 minute duration in a warm location. The schedule assumes that "normal breaks" are taken once every two hours. At the end of a 4-hour period, an extended break (e.g. lunch break) in a warm location is recommended. More information is available in the ACGIH publications "2008 TLVs and BEIs" (or most current) and "Documentation of TLVs and BEIs" and on the Saskatchewan Labour web page "Cold Conditions Guidelines for Outside Workers". {Tables shown from: 2008 TLVs and BEIs Threshold Limit Values for Chemical
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		<p>Substances and Physical Agents and Biological Exposure Indices. Cincinnati: American Conference of Governmental Industrial Hygienists (ACGIH), 2008 page 213}</p> <ul style="list-style-type: none"> • Suggest deletion as section is not practical. • Any work the City does to the water system would be considered emergency work and might occur on a cold day. It is critical to the health and well being of the Community. Safe drinking water is a health concern and the adequate water supply is a fire safety concern.
<p>(2) Where workers work at a work site and the wind chill is below -28°C, the employer shall</p> <ul style="list-style-type: none"> (a) monitor the wind chill and the exposure of his or her workers to the wind chill; and (b) monitor all workers for signs of frostbite or hypothermia. 	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This section needs to be revised to address employees working without a supervisor on site. Truckers, contractors etc. • 41.(2) is problematic: <ul style="list-style-type: none"> - the amount of time outside is not defined - how the monitoring of frostbite and hypothermia is to be done is not defined - requiring non-medical employers to make judgements on the existence of frostbite and hypothermia may be placing a responsibility on them they are unqualified and incapable of making. - If the supervisor is not the "employer" who does the monitoring? The use of the term "employer" in this section is confusing given [government] structures. If a departmental employee is working at a different agency in cold weather, who provides the supervision? • The references to Cold Weather Work

		<p>appear to have been developed in a more southerly climate. Professional monitoring of wind chill levels is not available in smaller communities. Limiting activity at the minus twenty-eight (-28) degree mark is somewhat unrealistic in the reality of climatic activity across the North. There are numerous communities where essential services must continue in temperature conditions below the limitations that have been identified. Examples include, but are not limited to: water delivery; sewage collection; fuel delivery; and loading, unloading and servicing aircraft (including medical evacuation aircraft).</p> <ul style="list-style-type: none"> • The regulations require monitoring when the wind chill goes below -28 Celsius. Wind chills of below -28 Celsius are frequently reached in the North. At the very least the restrictions should apply to sustained winds. Given how frequent this temperature occurs here, the monitoring requirements of section 41(2) may not be very practicable. Unless there is a specific reason why temperatures below -28 Celsius is in the regulations, [we] recommend that a different standard for this area be adopted that requires monitoring when the wind chill reaches a colder temperature. <p><u>Committee:</u> Entire section deleted; see subsection (1).</p>
<p>(3) An employer to whom subsection (2) applies shall (a) schedule shifts of not more than</p>	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Please clarify the restrictions on cold

<p>four hours each; and (b) schedule work periods and work breaks, as is practicable.</p>		<p>weather work. If a worker cannot work longer than a four (4) hour shift when -28 degrees is reached, please specify if the four (4) hours pertains to an eight (8), twelve (12) or twenty-four (24) hour shift.</p> <ul style="list-style-type: none"> • Subsection 41(3) you have that for weather colder than -28, the shifts can only be scheduled for a maximum of four hours: that is not reasonable in the case of emergency work such as a water break; it frequently takes longer than 4 hours to repair a water break. <p><u>Committee:</u> Entire section deleted; see subsection (1).</p>
<p>(4) Every work break under subsection (3) must last at least ten minutes and be in a warm and sheltered location.</p>	<p>Removed</p>	
<p>(5) Where the wind chill is less than -45°C, no person shall work unless it is emergency work.</p>	<p>Removed</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This is not practical and does not add to the safety of the work. This should be reworded to reflect 'where the wind chill is less than -45C, an employer must ensure a hazard assessment has been conducted before conducting the work. • Re: subsection 41(5) Item 5 is of specific concern. How is -44°C any less significant than -45°C? This component of the legislation may be better managed administratively with proper operational or site controls and identified extreme temperature PPE solutions versus a prescriptive boundary. • Cost of shutting down sites if the combined temperature/wind chill drops to -45°C: More than one of our

		<p>members has indicated they might as well shut down their companies for three months in the winter.</p> <ul style="list-style-type: none"> • This is unrealistic. This will stop construction works in many of the winter months in the NT and Nunavut. • Stop work when wind chill is -45C, unless emergency: what constitutes emergency? Would runway/road clearing fall under this? Would a potential medevac constitute an emergency or does the medical emergency already need to be declared? Work on Ice over water is covered by the Seasonal Highway Regulations but then cold weather work under these regulations would also apply to those same workers is there a potential for conflict? • Requires the employer to monitor the wind chill. In practical terms what does this mean? • Where the wind chill is below -28C at a work site the section also requires the employer to schedule shift not more than four hours each. Clarification on 'work site' is needed. For example, for highways and airport employees, does the work site mean the heated vehicle or the sub-zero road/structure being cleared or groomed? Without clarity this section may be applied to limit the maintenance of safe transportation infrastructure for the public and for emergency vehicles. • Similarly, if no one can work when it is -45 unless it is emergency work, it is problematic as to the maintenance of
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		<p>transportation infrastructure. To provide for emergency services, the roads and airports must be maintained, including in communities that commonly experience -45 wind chill for extended period of time.</p> <ul style="list-style-type: none">• This section states where the wind chill is less than -45 Celsius no person shall work unless it is emergency work. "Emergency work" is defined as the rescue of a person from a life threatening situation or the prevention of a person from being in a life threatening situation. This limits very much the type of work that can be performed at this temperature and would prevent employees or contractors from performing outside maintenance work that in many cases must be performed.• Code-mandated maintenance work, such as checking the fuel tanks for buildings, making repairs to PPD fuel supply systems, covering broken windows, servicing and repairing roof mounted air handling equipment are examples of such work that occur outside. Many inspections under the Electrical Protection Act and Gas Protection Act also occur outside. Some inspections of pressure vessels under the Boilers and Pressure Vessels Act also occur outdoors.• Sometimes staff charter into small communities to perform maintenance work or conduct inspections and if the wind chill is less than -45 Celsius, this would require them to stay in the
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		<p>community until the weather warms up, or leave the community and return at a later point to undertake this work at an additional cost. It is recommended the regulations be more flexible to allow for some very important maintenance/code related and inspection work in some circumstances when the wind chill is less than -45 Celsius.</p> <ul style="list-style-type: none"> • In particular the sections on extreme cold weather work (defined as below -45°C combined temp and wind chill) seem completely out of step with the need to move passengers and freight throughout the territories year round. Ground and air transportation routinely move at temperatures far below the -45 wind chill figure, and require people working outside to make it happen. Loading, fuelling, and other support services have to happen outside. To prohibit this work below -45 wind chill will effectively cripple the transportation industry for significant portions of the winter. • Subsection 41(5) "no work allowed when wind chill is less than -45 °C: Emergency work, such as water breaks, can happen at inconvenient times and will require workers to be outside when temperatures are colder than -45°C, as [breaks] will affect businesses and citizens. If weather [is an issue, other remedies,] such as frequent breaks, are perhaps more suitable [solutions]. • CONCERNS: <ol style="list-style-type: none"> 1. The temperature rating within the sections contradict each other. E.g. [In
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		<p>41(3)] Where workers work at a work site and the wind chill is below -28c ... [In 41(5)] Where the wind chill is less than -45c....</p> <p>2. Schedules should be added to the draft that indicate temperature and wind chill.</p> <p>http://www.ec.gc.ca/meteowweather/default.asp?lang'En&n'5FBF816A-1#table1</p> <p><u>Committee:</u> Entire section deleted; see subsection (1).</p>
<p>(6) An employer shall ensure that a worker who works in cold weather is trained in</p> <p>(a) hazard recognition and safe work practices and procedures in cold weather; and</p> <p>(b) rescue survival techniques in case of emergency.</p>	Removed	<p><u>Stakeholders:</u> s. 41(6) has a more acceptable wording [than s. 41(2)].</p> <p><u>Committee:</u> Entire section deleted; see subsection (1).</p>
Working Alone or at Isolated Work Site	Working Alone or at Isolated Work Site	
42. (1) In this section,	42. (1) In this section,	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • [We] approve, and note the connection to violence (e.g., gas station workers). Manitoba, Ontario and British Columbia have these rules in place already. • We need a definition of work site for this provision; it's very hard for us to comment on this section until we have a clearer definition for example, is the work site a particular ward or is it the entire hospital? • Does this provision apply to an office setting? • [Some of our] employees may work at their office early in the morning, into the evenings, or on weekends. As written, the section regarding "Work Alone"
"isolated" means isolated as defined under section 61;	Removed	
"work alone" means to work at a work site as the only worker at that work site, in circumstances where assistance is not readily available in the event of injury, ill health or emergency.	"work alone" means to work at a work site as the only worker at that work site, in circumstances where assistance is not readily available in the event of injury, ill health or emergency.	

		<p>(section 42) obliges the employer to take steps to eliminate risks to employees for weekends and evenings. During evenings or weekends employees working overtime may be the only person remaining or working at the work site, and without the availability of assistance, other than a phone call to emergency services such as an ambulance, should they get injured, or fall ill. This would appear to meet the definition of "work alone" in section 42(1), which would require employers to meet the obligations in subsections 42(2) and (3) although it is unclear whether this provision is intended to apply to an office setting.</p> <ul style="list-style-type: none"> • Workers in the North (particularly those engaged in work out of doors, such as Parks staff), have the potential to be exposed to human-wildlife interactions. Although a number of the provisions and requirements in certain sections (for example, section 42, "working alone or at an isolated work site") of the proposed <i>Occupational Health and Safety Regulations</i> could apply to likely human-wildlife interactions, it may be advisable to have a separate section dealing with these potential issues. • We do not like the definition of "isolated" here or in s. 61. It should be an "isolated work site", and it should be a global definition. Definition in s. 1 added, definition of "isolated" here is struck out and so is the definition in s. 61. • The regulations are silent about duty
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		<p>travel and the time required travelling between isolated work sites. A section should be added addressing travel as part of the job requirement (e.g., ice roads).</p> <ul style="list-style-type: none"> • The isolated worker must be visited regularly by a supervisor. • Wondered about on-duty-travel to an isolated work site. • What does "work site mean?" <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Due to the restructuring in Part 5, the definition of "isolated" is unnecessary, as "isolated work site" is now a globally defined term in section 1 of the revised draft. • A "work site" is also defined in the <i>Safety Act</i> as, "a location where a worker is, or is likely to be, engaged in work, or a thing at, on, in or near which a worker is, or is likely to be, engaged in work". • This provision could apply to an office setting, though in most office settings a worker has telephone access and can call for assistance. It could also apply to workers working from home, or in clients' or patients' homes. These are all possible work sites. Any space in which the worker is situated, for work reasons, including a vehicle, is a work site. • Under section 12, the employer has various duties towards workers, including OHS at any work site. If wildlife constitutes a hazard, this would be part of the risk identification under
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		<p>subsection (2), and under subsection (3) the employer would have to determine what arrangements are required to ensure the safety of the worker, perhaps including PPE or other things (such as pepper spray, bear bells, etc.).</p> <ul style="list-style-type: none"> • If a worker is in a vehicle as part of his or her employment, the space in which a worker is situated is a work site. • It is not necessary that a supervisor visit the site in all cases. However the employer needs to take into consideration all aspect of hazards presented by the situation.
<p>(2) Where a worker is required to work alone or at an isolated work site, an employer, in consultation with the Committee or occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, shall identify the risks arising from the conditions and circumstances of the work at the work site.</p>	<p>(2) Where a worker is required to work alone or at an isolated work site, an employer, in consultation with the Committee or representative or, where there is no Committee or representative available, the workers, shall identify the risks arising from the conditions and circumstances of the work at the work site.</p>	
<p>(3) An employer shall take all reasonable measures to eliminate or reduce the risks identified under subsection (2), including the establishment of an effective communication system that consists of</p> <ul style="list-style-type: none"> (a) radio communication; (b) phone or cellular phone communication; or (c) any other means that provides effective communication considering the risks involved . 	<p>(3) An employer shall take all reasonable measures to eliminate or reduce the risks identified under subsection (2), including the establishment of an effective communication system that consists of</p> <ul style="list-style-type: none"> (a) radio communication; (b) phone or cellular phone communication; or (c) any other means that provides effective communication considering the risks involved. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Re: "communication system" - What are the requirements that "an effective communication system" must meet? Again, it is difficult to comment without a clear understanding of the standard which employers are being asked to meet. • Worker must be trained and must be visited at routine intervals; if you cannot comply you need a written procedure. <p><u>Committee:</u> What is an effective communication system depends on the facts of a particular case. The codes of practice may provide some</p>

		<p>guidelines.</p> <p>Training requirements are dealt with generally in section 24 but also throughout these regulations for specific cases. Effective supervision is a matter for the employer and it might involve regular visits by supervisors.</p>
Harassment	Harassment	
<p>43. (1) An employer, in consultation with the Committee or occupational health and safety representative and workers, shall develop a policy in writing to prevent harassment that includes the following:</p> <ul style="list-style-type: none"> (a) a definition of harassment that is consistent with section 14 of the <i>Human Rights Act</i>; (b) a statement that every worker is entitled to employment free of harassment; (c) a commitment that the employer will make every reasonable practicable effort to ensure that no worker is subjected to harassment; (d) a commitment that the employer will take corrective action respecting any person under the employer’s direction who subjects any worker to harassment; (e) an explanation of how harassment complaints may be brought to the attention of the employer; (f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances relating to the complaint to any person except where disclosure is 	<p>43. (1) In this section, "harassment" means, subject to subsections (4) and (5), a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, and that constitutes a threat to the health or safety of a worker at a work site.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • The proposed changes would expand the mandate and jurisdiction of the WSCC; however it is not clear whether the WSCC has the expertise or capacity to administer this expanded mandate. We also think that the proposed regulation could encroach on the jurisdiction of other administrative bodies, and could result in legislative overlap and conflict. (Section 43; workplace harassment, work place relationships and right to refuse) • [We] support provisions and propose some improvements. Recommends use of concepts present in Part XX COSH Regs. (ss. 20.1-20.10). <p><u>Committee:</u></p> <ul style="list-style-type: none"> • These regulations do not expand the mandate of the WSCC beyond what is authorized under the <i>Safety Act</i>. • The regulations should only deal with harassment that is a threat to the health or safety of a worker at a work site. However, harassment for OHS purposes is not limited to harassment based on grounds protected by the <i>Human Rights Act</i>. It could include bullying. A

<p>(i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, or</p> <p>(ii) required by law;</p> <p>(g) a reference to Part 4 of the <i>Human Rights Act</i> respecting how a worker may bring a complaint of harassment before the Northwest Territories Human Rights Commission;</p> <p>(h) a reference to the provisions of the Northwest Territories <i>Human Rights Act</i> respecting discriminatory practices and a worker’s right to file a complaint with the Northwest Territories Human Rights Commission;</p> <p>(i) a description of the procedure that the employer will follow to inform a complainant and alleged harasser of the results of an investigation;</p> <p>(j) a statement that the employer’s harassment policy is not intended to discourage or prevent a complainant from exercising any other legal rights pursuant to any other law.</p>		<p>definition of “harassment” for these purposes is added in a new subsection (1).</p> <ul style="list-style-type: none"> • This provision works in a complementary fashion with the <i>Human Rights Act</i>. This definition is inspired by the definition of "harassment" in paragraph 2(1)(l) of <i>The Occupational Health and Safety Act</i>, 1993, S.S. 1993, c.O-1.1.
<p>(2) An employer shall</p> <p>(a) implement the policy developed pursuant to subsection (1); and</p> <p>(b) post a copy of the policy in a conspicuous place that is readily available for reference by all workers.</p>	<p>(2) An employer, in consultation with the Committee or representative and workers, shall develop and implement a policy statement to prevent and deal with harassment that includes the following:</p> <p>(a) a definition of harassment that is consistent with subsection (1).</p> <p>(b) a statement that every worker is entitled to employment free of harassment;</p> <p>(c) a commitment that the employer</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Is the safety committee still party to this information? • What is the expectation of the [employer] by the word "commitment" in sections 43 and 44? Is the word necessary? • Re: s. 43(1)(h) Is WSCC absolving themselves of any involvement with the complaint as it is based on Human Rights

	<p>will make every reasonably practicable effort to ensure that no worker is subjected to harassment;</p> <p>(d) a commitment that the employer will take corrective action respecting any person under the employer’s direction who subjects any worker to harassment;</p> <p>(e) an explanation of how harassment complaints may be brought to the attention of the employer;</p> <p>(f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances relating to the complaint to any person except where disclosure is</p> <p>(i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, or</p> <p>(ii) required by law;</p> <p>(g) a description of the procedure that the employer will follow to inform a complainant and alleged harasser of the results of an investigation;</p> <p>(h) a statement that the employer’s harassment policy is not intended to discourage or prevent a complainant from exercising any other legal rights pursuant to any other law.</p>	<p>Language? If not why are we duplicating services that already provided by others?</p> <ul style="list-style-type: none"> • Generally, it is suggested these regulations are stepping outside scope in this regard, wading into the operationalization of human rights, which is best left with the Human Rights Commission. With that said it would be helpful for the purpose of meaningful public consultation, to have more information on why the section on harassment is included and why it contains the particular elements listed. For example, if this section language is similar to language in other jurisdictions, knowledge of where the language came from, and the experience of that jurisdiction in the application of the language, including length of time in force, challenges, and revisions would be helpful, and are key research items. • More specifically, and similar to earlier comments on the requirement to consult with the Committee or rep, and workers in the development of such a policy, such a requirement is onerous for an employer with more than 4500 employees. Again, clarity on what is required or meant by 'consultation' is essential. Generally however, the requirement to consult with workers on the development of policy appears on the face of it, to be an unreasonable requirement placed on the employer. Elsewhere in the draft regulations, consultation with workers is required only if there is no committee or rep.
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		<p>Specifically, the requirement to consult with the committee or reps on the intersection between health and safety and human rights, can be an educational process with limited effectiveness, but more clearly ineffective as to development of policy.</p> <ul style="list-style-type: none"> • Elsewhere in the regulations is a requirement for a policy statement (section 44 Violence), but not a policy per se. Clarification on why a policy rather than a policy statement is required here would be beneficial. • The requirement to reference the Human Rights Act is appropriate in such a policy, but specific reference to sections of the Human Rights Act on how to file a complaint with the Commission drives employee towards increased conflict rather than supporting a work environment free from harassment, through more timely, practical and mutually satisfactory response to concerns. An effective policy is resolution driven, rather than complaint generating. • In any case subsection (h) is confusing. It outlines the requirement that the policy reference the provisions of the Human Rights Act respecting discriminatory practices and a worker's right to file a complaint with the Human Rights Commission. Concerns and confusion generated by this subsection are several: it appears redundant given subsection (g); the nature and location of the provisions of the Human Rights Act respecting discriminatory practices is
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		<p>obscure; the requirement confuses harassment with discriminatory practices or erroneous poses the terms as synonymous.</p> <ul style="list-style-type: none"> • It is not clear why a harassment policy is an OHS requirement. This issue is already addressed in human rights legislation and most collective agreements where they exist. • Is it the role of OHS regulations to require policy based on legislation that is not theirs? • Shouldn't policy requirements flowing from human rights come from the Human Rights Commission? • It should not be the employer's responsibility to outline how to file a human rights complaint. This is a role for the Human Rights Commission. • This issue is clearly defined by the Human Rights Act; why is it repeated in this Regulation? • Would the [territorial governments] not already be in compliance with this Section given existing legislative and HR policy frameworks now in place? • Proposed redraft to s. 43(1): 43. (1) An employer, in consultation with the Committee or occupational health and safety representative and workers, shall develop and implement a written policy to prevent harassment that includes the following: <ul style="list-style-type: none"> (a) Communicate the policy to all employees by posting it in the workplace and including in the employee handbook. Have all employees sign the policy as an indication that they have
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		<p>read it and understood it.</p> <p>(b) Provide a written procedure for dealing with complaint(s). This process should include:</p> <ul style="list-style-type: none"> (i) Contact person to address the complaint (ii) Determine if the complaint is within harassment policy, if so: (iii) Investigate the formal written complaint (iv) Take progressive discipline action where appropriate (v) Inform the outcome of the investigation to complainant and respondent <p>(c) Organize and implement training session(s) in educating your employees that covers inappropriate or disrespectful conduct are dealt with according to clearly established policies in a timely manner.</p> <p>(d) Communicate to employees that it is their obligation to report any harassment experienced or witnessed. Employees need to be aware of their role in helping to create a harassment free workplace.</p> <p>(e) A reference to the provisions of the Human Rights Act</p> <p>(f) A statement that the employer's harassment policy is not intended to discourage a complainant from exercising any other legal rights pursuant to any applicable legislation or law.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The revised draft addresses most of the
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		<p>concerns raised.</p> <ul style="list-style-type: none"> • Prescribing what constitutes adequate consultation would be too prescriptive and would undermine the IRS. Workers, employers and government all have a role in ensuring OHS at a work site. • With respect to a “policy” vs. a “policy statement” or a “policy in writing”, there should be consistent usage. • The term is changed to a "policy statement" in revised subsection (2). Paragraphs (1)(g) and (h), referring to the <i>Human Rights Act</i>, are deleted in the revised subsection (2). Mention of the <i>Human Rights Act</i> is not appropriate in this context. • Subsection (2) becomes subsection (3) and is modified to parallel subsection 44(6), dealing with the policy on violence in the workplace.
	<p>(3) An employer shall make readily available for reference by workers a copy of the policy statement required by subsection (2).</p>	<p><u>Committee</u>: The original subsections (2) and (3) become a new subsection (3) and are modified to parallel subsection 44(6), dealing with the policy on violence in the workplace.</p>
	<p>(4) To constitute harassment for the purposes of subsection (1),</p> <p>(a) repeated conduct, comments, displays, actions or gestures must be established; or</p> <p>(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker must be established.</p>	<p><u>Committee</u>: New subsections (4) and (5) are added, to make it clear that the conduct involved must be of a serious or on-going nature, and to ensure that reasonable workplace management practices are not considered to be harassment.</p>
	<p>(5) For the purpose of subsection (1), harassment does not include any reasonable</p>	

	<p>action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the work site.</p>	
<p>Violence</p>	<p>Violence</p>	
<p>44. (1) In this section, "violence" means attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury.</p>	<p>44. (1) In this section, "violence" means attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Should the criminal law not be referenced when dealing with violence in the work place? In what corporate circumstances is it thought to be "reasonable to expect violence"? Is the corporation's Employment and Family Assistance Plan recognized in the proposed regulations? • Suggest definition of violence should include both physical and psychological. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Including "psychological harm" in the definition would be too vague. The threat or conduct has to cause or be likely to cause injury to be considered violence. Psychological abuse may be a form of harassment, dealt with in section 43 but not necessarily cross the threshold of violence. Including this here might obscure the distinction between harassment and violence. • Canadian OHS legislation is not rooted in criminal law (i.e. criminal law sanctions model), although quasi-crimes may exist. The <i>Criminal Code</i> and criminal law generally is a matter of federal law in Canada. Criminal law applies to criminal acts committed at a work site, as anywhere else; it is not necessary to

<p>(2) An employer at a work site shall, where violent situations have occurred or may reasonably be expected to occur, develop and implement a policy statement to deal with potentially violent situations after consultation with the Committee or occupational health and safety representative or, where there is no Committee and no occupational health and safety representative, the workers.</p>	<p>(2) Work sites where a violent situation may reasonably be expected to occur include the following:</p> <ul style="list-style-type: none"> (a) services provided by health care facilities defined in section 465; (b) pharmaceutical dispensing services; (c) education services; (d) police services; (e) corrections services; (f) other law enforcement services; (g) security services; (h) crisis intervention and counselling services; (i) retail sales in establishments that are open between the hours of 11:00 p.m. and 6:00 a.m.; (j) financial services; (k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages; (l) taxi services; (m) transit services. 	<p>mention it here.</p> <p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • CONCERN: The subsection [(2)] in section 3 should be expanded to include government service providers and client service organizations. E.g., Program Advisors in the District Offices may become targets for applicants or clients who are not happy with program policies. • Suggest to review the list to make sure there are not any other service providers missing. Would like to see [our organisation] added as a service provider. • Re: "work site" We need a clear definition of what constitutes a "work site" for this provision as well as others. • In order to shorten the document, lists such as contained in this paragraph might be omitted as their value-added is questionable. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Reverses the sequence of subsections 44(2) and (3). In subsections 44(4) and (5) the term "worker's physician" is removed and is replaced with "worker's medical professional". Other sections affected by this global change are sections 10, 26, 61, 62, 67, 70, 92, 94, 95, 124, 295, 296, 303, 315, 350, 363.1, 363.2 and 365.1. • The list in revised subsection (2) ((3) in the consultation draft) uses the word "including" which is a word that indicates a non-exhaustive listing.
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		<p>Subsection (2) is used to help clarify "a violent situation" in subsection (3). Subsection (3) however is more general and could include district offices if there is a reasonable expectation that a violent situation may occur.</p> <ul style="list-style-type: none"> • If a violent situation may reasonably be expected to occur at a work site, it does not matter whether the work site is included in the list. The employer will still be required by subsection (3) to develop and implement a policy statement. • "work site" is clearly defined in the Act.
<p>(3) Work sites where a violent situation may reasonably be expected to occur include the following:</p> <ul style="list-style-type: none"> (a) services provided by health care facilities defined in section 465; (b) pharmaceutical dispensing services; (c) education services; (d) police services; (e) corrections services; (f) other law enforcement services; (g) security services; (h) crisis intervention and counselling services; (i) retail sales in establishments that are open between the hours of 11:00 p.m. and 6:00 a.m.; (j) financial services; (k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages; (l) taxi services; (m) transit services. 	<p>(3) An employer at a work site shall, where a violent situation has occurred or may reasonably be expected to occur, develop and implement a policy statement to deal with potentially violent situations after consultation with the Committee or representative or, where there is no Committee and no representative available, the workers.</p>	<p><u>Stakeholders:</u> Requires consultation with the Committee, rep or workers. As noted earlier, clarification on the interpretation of consultation is required.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • How an employer carries out his or her consultation is up to the employer. It is not necessary to prescribe how that consultation is carried out. A court will determine if there was appropriate or sufficient consultation based on the facts of a particular case.
<p>(4) The policy statement required by</p>	<p>(4) The policy statement required by</p>	<p><u>Stakeholders:</u></p>

subsection (2) must be in writing and must include

- (a) the employer’s commitment to minimize or eliminate the risk;
- (b) the identification of the work site or work sites where violent situations have occurred or may reasonably be expected to occur;
- (c) the identification of any staff positions at the work site that have been, or may reasonably be expected to be, exposed to violent situations;
- (d) the procedure to be followed by the employer to inform workers of the nature and extent of risk from violence, including, except where 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;
- (e) the actions the employer will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements and engineering controls;
- (f) the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the employer;
- (g) the procedure the employer will follow to document and investigate a violent incident reported under

subsection (2) must be in writing and must include

- (a) the employer's commitment to minimize or eliminate the risk;
- (b) the identification of the work site or work sites where violent situations have occurred or may reasonably be expected to occur;
- (c) the identification of any staff positions at the work site that have been, or may reasonably be expected to be, exposed to violent situations;
- (d) the procedure to be followed by the employer to inform workers of the nature and extent of risk from violence, including, except where 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;
- (e) the actions the employer will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements and engineering controls;
- (f) the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the employer;
- (g) the procedure the employer will follow to document and investigate a violent incident reported under

- Subsection (4)(h) requires an employer to create a policy statement that includes a recommendation that any worker who has been exposed to a violent incident consult with the worker's physician for treatment or referral for post-incident counselling. While pursuing treatment or referral through a worker's physician is appropriate, it is our submission that this requirement is too narrow. It may be more effective and timely for a worker to pursue services of an Employer's employee and family assistance program.
- Clarification as to how section 44(4)(h) would apply to corrections services would also be beneficial, given a corrections services worker will be exposed to risk of injury as articulated in section 44(1) more frequently than many of the services listed in 44(3). In other words, does exposed to a violent incident include incidents where any threatening statement of behaviour gave a worker reasonable cause to believe that he or she was at risk of injury?
- What is the expectation of the [employer] by the word "commitment" in sections 43 and 44? Is the word necessary?
- What is the difference between a policy and a policy statement? Can we see some examples?

Committee:

<p>paragraph (f);</p> <p>(h) 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;</p> <p>(i) the employer's commitment to provide a training program for workers that includes</p> <p>(i) the means to recognize potentially violent situations,</p> <p>(ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers,</p> <p>(iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance, and</p> <p>(iv) procedures for reporting violent incidents.</p>	<p>paragraph (f);</p> <p>(h) a recommendation that any worker who has been exposed to a violent incident consult the worker's medical professional for treatment or referral for post-incident counselling;</p> <p>(i) the employer's commitment to provide a training program for workers that includes</p> <p>(i) the means to recognize potentially violent situations,</p> <p>(ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers,</p> <p>(iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance, and</p> <p>(iv) procedures for reporting violent incidents.</p>	<ul style="list-style-type: none"> • The term "physician" in paragraph (h) has been changed to "medical professional" a term used throughout. See section 1 definition. Post-incident counselling may well be with an employer's employee and family assistance program, but the referral must be made by a medical professional, not the employer. That change is different to what is in volume 1 - the use of "medical practitioner" did not achieve the intended effect. • Corrections services are mentioned at paragraph (2)(e) as a work site where a violent situation may reasonably be expected to occur. • The word "commitment" is used with its ordinary meaning. It is necessary. • A policy statement in writing is recorded. A policy might not be.
<p>(5) If a worker receives treatment or counselling from the worker's physician referred to in paragraph (4)(h) or attends a training program referred to in paragraph (4)(i), the employer shall ensure that the time spent receiving treatment and counselling is credited to the worker as time at work, and that the worker does not lose pay or benefits with respect to that time.</p>	<p>(5) If a worker receives treatment or counselling from the worker's medical professional referred to in paragraph (4)(h) or attends a training program referred to in paragraph (4)(i), the employer shall ensure that the time spent receiving treatment and counselling is credited to the worker as time at work, and that the worker does not lose pay or benefits with respect to that time.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This section is not covered by compensation. • This would depend on the particular collective agreement and how the time is to be recorded. In some agreements it would be recorded as sick leave. Clarity is required as to whether "without loss of pay or benefits" allows for sick leave to be required for that time. • If a worker receives treatment or counselling from the worker's medical professional referred to in paragraph

		<p>44(4)(h), does this include counselling a worker might receive outside regular work hours (e.g., online- and/or telephone counselling, etc)? Concern: High cost for employers, do workers enter into over-time hours, etc.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Compensation is not something dealt with under the <i>Safety Act</i> or its regulations. • Regulations set out the law. Collectively agreeing to disregard a law, disregarding it and contravening it, is breaking the law. • Time spent in treatment or counselling or training cannot be classified as anything other than "time at work".
<p>(6) An employer shall make readily available for reference by workers a copy of the policy statement required by subsection (2).</p>	<p>(6) An employer shall make readily available for reference by workers a copy of the policy statement required by subsection (2).</p>	
<p>(7) An employer shall ensure that the policy statement required by subsection (2) is reviewed and, where necessary, revised every three years or whenever there is a change of circumstances that may affect the health or safety of workers.</p>	<p>(7) An employer shall ensure that the policy statement required by subsection (2) is reviewed and, where necessary, revised every three years or whenever there is a change of circumstances that may affect the health or safety of workers.</p>	

<p>PART 4 COMMITTEES AND REPRESENTATIVES</p>	<p>PART 4 COMMITTEES AND REPRESENTATIVES</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • It is clear that this Draft does achieve the goal to enhance the participation of committees and safety representatives. The current regulations make one reference to committees/safety representative. The Draft contains 149 references with an attendant increase in duties and responsibilities. • 6.1 Sufficiency of Current Requirements <ul style="list-style-type: none"> ○ Our committee members felt that these new provisions are becoming somewhat onerous. ○ Please note all of our committee members have WSCC certificates for committee training at a minimum. They are well aware of what is currently required and how much they are simply unable to get to. This is with [us] providing significant administrative support to the committee. ○ Even so there are challenges even finding time for the meetings. [We] routinely engage every employee in ensuring their own safety and for the safety of others. ○ In order to now comply with all these new provisions it is felt that a company would have to hire specialists in occupational health and safety just to guide the committee or representative because expertise and resources do not
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		<p>exist otherwise. Committee members and representatives would be away from their duties for longer periods often tackling tasks for which they have no training and none is available. This is not a viable option for small companies and would constitute undue hardship.</p> <ul style="list-style-type: none"> • 6.2 Workers Views on Additional References <ul style="list-style-type: none"> ○ Workers on our committee feel they have enough to do already with their assigned responsibilities plus those of a committee member under the current Act. They are satisfied that they are involved to a degree where they are comfortable and that they work in a safe environment where if real safety concerns are raised they are dealt with in a timely manner. • 6.3 Manager Views on Additional References <ul style="list-style-type: none"> ○ Management members of the committee expressed concern that the preponderance of new provisions and increase in authority for committee members or safety representatives, knowing they have a relatively unsophisticated workforce, would expose them to actions by workers that could
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		<p>substantially reduce their ability to manage their operations.</p> <ul style="list-style-type: none"> • 6.4 Capacity to comply <ul style="list-style-type: none"> ○ Employers in Nunavut have many challenges in recruiting skilled employees, especially in smaller communities. Often work experience or willingness to learn is accepted over formal education, and training is built into the job. In many cases, even getting the employee to work each day let alone on time can be a daunting task. These regulations pre-suppose a typical southern level of education and sophistication in the work force that simply does not exist at this time in Nunavut. Instituting regulations which are onerous on the current workforce and then using language like "shall" where there simply is no capacity, introduces an unacceptable level of exposure of liability for both employer and committee member or safety representative, in particular where there is no insurance coverage for errors or omissions. • Codifying requirements for General Duties and Committee function and structure will assist the employer in ensuring that the correct processes are in place that ensure an exemplary standard on health and worker safety
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		<p>and, assuming they are implemented, can contribute to a higher degree of worker safety and satisfaction. That being said, because of capacity issues (number of people, number of managers/union representatives, etc.) in some work sites, it may be challenging to achieve the "letter of the law" in regards to OSH Committees and there could perhaps be more latitude to modify practices and procedures to ensure that the intent of the regulations (ensure workplace and worker safety) is achieved.</p> <ul style="list-style-type: none"> • The draft Regulations mandate the employer in consultation with a Committee, occupational health and safety representative or workers to develop policies and procedures, perform accident investigation, etc. At times, it is challenging to get the Committee to attend meetings and contribute to safety. Enhancing the role of the Safety Committee is a great idea but not always practical. Committee could participate in reviewing policies and procedures, whenever practical but on an advisory basis only. The Committee participation in the entire facet of the safety program should not be mandatory. Furthermore, Committee members may not possess the skills or background necessary to carry out the functions outlined in the Regulations which may require the employer to hire consultants or work with the workers and supervisors who are more familiar with the particular operation to identify
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		<p>hazards and implement hazard controls. For example, specialized knowledge may be required when writing emergency response plans for the fire department or developing and implementing harassment policy/procedure may be something that Human Resources would be able to address not the Committee.</p>
Establishment of Committees	Establishment of Committees	
<p>45. (1) Where ten or more workers work at a work site or if so directed by the Chief Safety Officer, the employer shall</p> <ul style="list-style-type: none"> (a) establish a Committee at the work site; and (b) designate persons as members of the Committee in accordance with this section. 	<p>45. An employer shall establish a Committee</p> <ul style="list-style-type: none"> (a) at a work site at which 20 or more workers work or are likely to work for more than 90 days; or (b) if so directed by a safety officer. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • In what circumstances would the CSO direct that the corporation establish a Committee IAW this section? • Supports need for joint committees. Committee members should be selected by a trade union, where there is one. Employee representatives must not exercise any managerial function. • Section 45 requires establishment of a Health and Safety Committee where ten or more workers at a work-site. As stated above, this is onerous for small employers. Potentially, half of the workforce could be on the committee, holding meetings, receiving training and adversely impacting productivity. We believe that the requirement for a workplace safety representative rather than a committee is much more reasonable for a workplace of this size. Again, it is not clear if this would apply to a construction project where there are 10 workers at a work-site for a short period of time and possibly fewer than 10 working for any one employer. As in the case of the Health and Safety program we propose that the threshold

		<p>for implementing a health and safety committee be increased to 20 workers and that a definition is provided for determining the number of workers. For example, by averaging the number of full and part time workers present at a workplace over a 12 month period. Furthermore, the obligation should be on the Prime contractor and not the employer for any work-site where the work-site is NOT under the employer's control.</p> <ul style="list-style-type: none"> • Recommends using the same requirement as in the MHSRs • Cost of operating internal safety committees and the additional reporting requirements to WSCC. • A commentator suggested that there might be a possibility that section 28 and the committee system set up in Part 4 could be exploited by labour to create inequality in respect of collective bargaining vis a vis an employer. • Is there a requirement for committee size (e.g., at least X-amount and not more than Y amount)? • The coming into force of these regulations will have impact on the employment contract with the bulk of the public service, negotiated through collective bargaining pursuant to the Public Service Act. The contract calls for joint employer-union establishment of Safety and Health committees and sets out the proportion of employer and union representatives. • Section 45(2) requires the employer
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		<p>establish a committee with equitable representation of workers who have substantially different occupational health and safety concerns. Clarification on the terms "equitably represent" and "substantially different" occupational health and safety concerns will be necessary to comply with this requirement.</p> <ul style="list-style-type: none"> • ISSUE: Lack of clear definitions and accountability chain. • For the Government of the Northwest Territories, what is a work site? There is a need for a committee when there is more than 10 employees at a work site. As an example Sweetgrass building in Fort Smith has both Education, Culture and Employment (ECE) and MACA departments; is it one or two work sites? Is this two department work sites, or one? If it is one, who is the responsible employer? ECE has 8 positions and MACA has 9 positions; no committee is required if this is two worksites. Is it a realistic requirement for committees the same for a construction site environment as it is for an office environment; is there any risk assessment criteria for the frequency and intent of committees? • How many people can be designated on a committee? • ISSUE: APPLICABILITY TO SHORT TERM CONTRACT WORK • "...where ten or more workers at a work site ... the employer shall establish a Committee at the work site ..."
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		<ul style="list-style-type: none"> • This wording is not practical for project work. The number of persons assigned to a project each day depends on the tasks required for a particular day (e.g. could vary from 1 to 20 workers on any given day). • This requirement should be based on an estimate of total number of person days for a particular job VS. using a specific person count each day. • "The implications of the draft Health and Safety Regulations are significant and if enacted will add costs and administrative burden to your business and may severely limit your ability to operate (particularly if your workers engage in cold weather work). If enacted your business will be required to: <ul style="list-style-type: none"> ○ Establish a Safety Committee (if you have ten or more employees) and meet new requirements for meeting frequency, administration and reporting to WSCC. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Draft section 45 is separated into two sections to further clarify how OHS Committees are established and their members are designated. • The threshold number of employees is raised to 20 employees. • Where multiple employers are present at a worksite, all are responsible (see section 4 of the draft regulations and section 7 of the Act).
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		<ul style="list-style-type: none"> • Current section 7 of the Act (providing that the principal contractor is responsible for the establishment of a committee where there is more than one employer), must be ignored for the purposes of this draft. It is recommended that <i>An Act to Amend the Safety Act, S.N.W.T 2003, c. 25</i>; S.Nu. 2003 c.25 come into force when these regulations come into force. That amending Act repeals section 7 of the <i>Safety Act</i> and inserts a more general section 7. It will require multiple employers at a site to work together to establish a single work safety program for the work site.
Composition of Committee		
<p>(2) An employer who is required to establish a committee shall,</p> <p>(a) in designating the members,</p> <p>(i) select persons to represent the employer on the committee; and</p> <p>(ii) ensure that there is a sufficient number of members representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns; and</p> <p>(b) designate members for a term not exceeding three years.</p>	<p><i>[NT Version]</i></p> <p>45.1. (1) Where an employer is required to establish a Committee, it must be composed of an equal number of</p> <p>(a) workers chosen by the workers at the work site who are representative of and who shall represent the occupational health and safety concerns of all the workers at the work site; and</p> <p>(b) persons chosen by the employer, or by each employer where workers of two or more employers are employed at the same work site, to represent the employer.</p> <p><i>[NU Version; NT Version after Safety Act amended]</i></p> <p>45.1. An employer who is required to establish a</p>	<p><u>Stakeholder:</u></p> <ul style="list-style-type: none"> • Suggested addition: (iii) the worker representatives on a joint committee must be selected from workers at the workplace who do not exercise managerial functions at that workplace, as follows: (a) if the workers are represented by one or more unions, the worker representatives are to be selected according to the procedures established or agreed on by the union or unions; (b) if none of the workers are represented by a union, the worker representatives are to be elected by secret ballot; <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This section is added in the NT version of

	<p>Committee shall ensure that the Committee is composed as required under subsection 7(3) of the Act.</p>	<p>the draft regulations and is based on section 6 of <i>An Act to Amend the Safety Act</i>, S.Nu. 2003, c.25, not yet in force. It is not required in the NU version as the provision is present in subsection 7(3) of the <i>Safety Act</i> for NU once section 6 of <i>An Act to Amend the Safety Act</i>, S.Nu. 2003, c.25 comes into force. This provision should be a statutory provision in the <i>Safety Act</i> for the NT and an amendment to the Act is recommended. Once that amendment is made in the NT and comes into force, this particular section can be repealed and the following substituted:</p> <p style="text-align: center;">Composition of Committee</p> <p style="text-align: center;">45.1. An employer who is required to establish a Committee shall ensure that the Committee is composed as required under subsection 7(3) of the Act.</p> <p>The NU version would look like this immediately.</p> <ul style="list-style-type: none"> • Provisions regarding the term of office are not necessary and have been deleted. The OHS Committee can deal with these matters.
	<p>(2) An employer who is required to establish a Committee shall ensure that the Committee is composed as required under subsection (1).</p>	
<p>(3) Members of the Committee hold office</p>	<p>Removed</p>	

until a successor is designated, and may be re-designated for a second or subsequent term.		
Designation of Occupational Health and Safety Representative	Designation of Representative	
46. (1) Where fewer than ten workers work at a work site and there is no Committee, the employer shall designate at least one worker as the occupational health and safety representative for these workers.	46. (1) Where fewer than 20 workers work at a work site or there is no Committee, the employer shall designate at least one worker as the occupational health and safety representative for these workers.	<u>Committee:</u> The use of "occupational health and safety representative" is required in this section due to its use in the definition of "representative".
(2) An occupational health and safety representative shall act in the stead of the Committee for the purposes of the Act and these regulations.	(2) An occupational health and safety representative shall act in place of a Committee for the purposes of the Act and these regulations.	
Duty to Post Names	Duty to Post Names	
47. An employer who is required to establish a Committee or to designate an occupational health and safety representative shall post the name of each member of the Committee or of the occupational health and safety representative in a conspicuous location at the work site.	47. An employer shall ensure that the name of each member of the Committee or of the representative is readily accessible to workers at the work site.	<u>Committee:</u> Revised to accommodate other means of notifying workers.
Quorum	Quorum and Certain Votes	
48. (1) A quorum consists of one-half of the members of the Committee, if (a) representatives of both employers and workers are present; and (b) at least one-half of the members present represent workers.	48. (1) A quorum consists of one-half of the members of a Committee, where (a) representatives of both employers and workers are present; and (b) at least one-half of the members present represent workers.	<u>Stakeholder:</u> <ul style="list-style-type: none"> • Suggests deletion. • Why section 13 is a work refusal not a democratic process what happens if person killed the majority of the members said it was OK not right has to be unanimous. <u>Committee:</u> <ul style="list-style-type: none"> • While the function of the Committee is mostly to facilitate communications, it does have a role under the Act in respect of investigating work refusals. • Under subsection (3), dealing with refusal to work in unusual danger
(2) Where a quorum does not exist when the Committee meets, no decisions or recommendations made have validity.	(2) Any business of a Committee that is transacted where a quorum is not present is not validly transacted, and any meeting of a Committee that is held where a quorum is not present is not a valid meeting of the Committee.	
(3) Decisions of the Committee with respect to any matter relating to section 13 of the Act must be made by a majority vote of Committee members present.	(3) Decisions of a Committee with respect to refusals to work pursuant to section 13 of the Act must be by unanimous vote of members of the committee who are present.	

		<p>situations, a decision by an OHS Committee should be based on unanimity. There are other options in the Act for employers, workers and the Committee to take should the Committee be unable to deal with a refusal to work (see section 13 of the Act).</p>
Frequency of Meetings	Frequency of Meetings	
<p>49. (1) Subject to subsection (2), an employer shall ensure that the Committee</p> <ul style="list-style-type: none"> (a) holds its first meeting within ten days after being established; (b) holds three subsequent meetings at intervals not exceeding one month; and (c) after the third subsequent meeting in paragraph (b), holds regular meetings at intervals not exceeding three months. 	<p>49. (1) Subject to subsection (2), a Committee shall</p> <ul style="list-style-type: none"> (a) hold its first meeting within 14 days after being established; (b) hold three subsequent meetings at intervals not exceeding one month; and (c) after the third subsequent meeting in paragraph (b), holds regular meetings at intervals not exceeding three months. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This has direct and indirect cost implications. The Committee is not to "become an end in its own right". • Should the union be consulted? Have the current OHS committees been consulted? • This should be a joint responsibility between the employer and the Committee. The employer cannot force the Committee to meet, which is what this wording implies. An alternate wording might be: "...an employer shall ensure that Committee is able to (a) hold its first meeting ... and the Committee shall ensure that such meeting(s) take place..." • Concern about a lack of worker interest in committees or about the possibility that placing requirements on OHS Committees might undermine the responsibility of the employer (who is the dominant force on the OHS Committees). <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The OHS Committee in this legislative scheme is merely a facilitator of

		<p>communications between employer and workers on OHS matters.</p> <ul style="list-style-type: none"> • Subsection (1) is reformulated to drop the requirement that the employer ensure that the Committee meets regularly. Subsection (1) is one of the few regulatory obligations placed on an OHS Committee - the other is section 50 in respect of minutes.
<p>(2) The Chief Safety Officer may require the Committee to meet more frequently than required under subsection (1) due to</p> <ul style="list-style-type: none"> (a) the existence of particular hazards or circumstances at the work site; (b) the complexity of the work carried out at the work site; or (c) the number of workers at the work site. 	<p>(2) The Chief Safety Officer may require the Committee to meet more frequently than required under subsection (1) due to any of the following factors at the work site:</p> <ul style="list-style-type: none"> (a) the existence of particular hazards or circumstances; (b) the complexity of the work carried out; or (c) the number of workers. 	<p><u>Committee</u>: Slight variation in wording.</p>
<p>Minutes</p>	<p>Minutes</p>	
<p>50. An employer shall ensure that the Committee</p> <ul style="list-style-type: none"> (a) records minutes of each meeting and keeps the minutes on file; (b) sends a copy of the minutes to the Chief Safety Officer if required by the Chief Safety Officer; and (c) posts a copy of the minutes at a location that is readily accessible to workers at the work site. 	<p>50. A Committee shall</p> <ul style="list-style-type: none"> (a) record minutes of each meeting and keep the minutes on file; (b) send a copy of the minutes to the Chief Safety Officer, if required by the Chief Safety Officer; and (c) post a copy of the minutes at a location that is readily accessible to workers at the work site. 	<p><u>Committee</u>: This section should have been changed in volume 1 to what appears in the revision here.</p>
<p>Co-chairpersons</p>	<p>Co-chairpersons</p>	
<p>51. (1) At the first meeting of the Committee,</p> <ul style="list-style-type: none"> (a) members of the Committee representing workers shall elect a worker co-chairperson from among their number; and (b) the employer shall appoint an employer co-chairperson from the 	<p>51. (1) At the first meeting of the Committee,</p> <ul style="list-style-type: none"> (a) members of the Committee representing workers shall elect a worker co-chairperson from among their number; and (b) the employer shall appoint an employer co-chairperson from the 	

members of the Committee representing the employer.	members of the Committee representing the employer.	
(2) An employer co-chairperson shall keep the employer informed of the activities, concerns and recommendations of the Committee and of any information addressed to the Committee.	(2) An employer co-chairperson shall keep the employer informed of the activities, concerns and recommendations of the Committee and of any information addressed to the Committee.	
(3) A worker co-chairperson shall keep the workers informed of the activities, concerns and recommendations of the Committee and of any information addressed to the Committee.	(3) A worker co-chairperson shall keep the workers informed of the activities, concerns and recommendations of the Committee and of any information addressed to the Committee.	
(4) An employer shall facilitate the discharge of the worker co-chairperson's duties during normal work hours by permitting meetings of workers or by other means that are appropriate in the circumstances.	(4) An employer shall facilitate the discharge of the worker co-chairperson's duties during normal work hours by permitting meetings of workers or by other means that are appropriate in the circumstances.	
	Special Meetings	
	51.1. Either co-chairperson may call a special meeting of a Committee to deal with urgent concerns, imminent dangers to health or safety, investigations of accidents causing serious bodily injury or dangerous occurrences or refusals to work pursuant to section 13 of the Act.	<u>Committee</u> : See comment at section 52.
Meetings	Meetings of Employers and Representatives	
52. (1) The employer shall meet with the Committee or occupational health and safety representative regularly to discuss health and safety matters.	52. (1) Where a representative is designated, an employer shall meet with the representative regularly to discuss health and safety matters.	<u>Stakeholders</u> : Requires the employer to meet with the committee or rep regularly to discuss health and safety matters. Clarification on what is expected as regularly would be helpful. <u>Committee</u> : Section 52 was broken up into two sections: one dealing with special OHS Committee meetings called by a co-chairperson, and one dealing with meetings of employers and representatives. That part of subsection 52(1) requiring an employer to meet with a Committee was unnecessary, as the employer will meet with the employer co-chairperson as needed to exchange information.

<p>(2) An occupational health and safety representative, designated under section 46, may call a special meeting with an employer to deal with urgent concerns, imminent dangers to health or safety or investigations of accidents or dangerous occurrences.</p>	<p>(2) A representative may call a special meeting with an employer to deal with urgent concerns, imminent dangers to health or safety or investigations of accidents causing serious bodily injury or dangerous occurrences.</p>	<p><u>Stakeholders:</u> This section is vague, especially in respect of accidents or dangerous occurrences.</p> <p><u>Committee:</u> These comments have been addressed through the significant revisions to sections 8 and 9, 35 to 37, and the definitions of "accident causing serious bodily injury" and "dangerous occurrences" - globally defined terms in section 1 of the redraft.</p>
<p>(3) A co-chairperson may call a special meeting of the Committee to deal with urgent concerns, imminent dangers to health or safety, investigations of accidents or dangerous occurrences or refusals to work pursuant to section 13 of the Act and these regulations.</p>	<p>Removed</p>	<p><u>Stakeholders:</u> Indicates a co-chairperson may call a special meeting of the committee to deal with a number of pressing concerns, and also refusals to work pursuant to section 13 of the Act and these regulations. This latter reference to refusals to work pursuant to these regulations is so broad as to be ambiguous. More specific reference to the relevant -- section of the regulations would be helpful in the effective operation of this section.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Subsection (3) is effectively moved to section 51.1. A representative has no authority under section 13 of the Act. • Investigations into work refusals are governed by section 13 of the Act. That section cannot be overridden by these regulations.
<p>Opportunity for Necessary Activities</p>	<p>Opportunity for Necessary Activities</p>	
<p>53. (1) An employer shall ensure that (a) the members of the Committee or the occupational health and safety representative are allowed to examine any log book, inspection report or other record that the employer is required to keep at the work site pursuant to the Act or any regulations made pursuant to the</p>	<p>53. (1) An employer shall ensure that (a) the members of the Committee or the representative are allowed to examine any log book, inspection report or other record that the employer is required to keep at the work site pursuant to the Act or any regulations made pursuant to the Act;</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Will other people on the committee receive training or will only the chairpersons? • Requires the employer to provide training. What supports will the WSCC provide to employers to fulfil this responsibility satisfactorily? • CONCERN:

<p>Act;</p> <p>(b) the members of the Committee or the occupational health and safety representative have reasonable opportunity, during normal working hours and without loss of pay or other benefits, to receive and investigate concerns, to inform workers of the provisions of the Act or any regulations made pursuant to the Act or to conduct other business proper to the functioning of the Committee or the representative;</p> <p>(c) the members of the Committee have reasonable opportunity to hold a special meeting pursuant to section 52(2) at any time; and</p> <p>(d) the occupational health and safety representative has reasonable opportunity to hold a special meeting pursuant to subsection 52(2) at any time.</p>	<p>(b) the members of the Committee or the representative have reasonable opportunity, during normal working hours and without loss of pay or other benefits, to receive and investigate concerns, to inform workers of the provisions of the Act or any regulations made pursuant to the Act or to conduct other business necessary to the functioning of the Committee or the representative;</p> <p>(c) the members of the Committee have reasonable opportunity to hold a special meeting pursuant to section 51.1 at any time; and</p> <p>(d) the representative has reasonable opportunity to hold a special meeting pursuant to section 52 at any time.</p>	<ul style="list-style-type: none"> ○ In this section only co-chairs receive training in respect to their duties. All board members should receive training in all aspects of the Safety Committee. This will allow a committee member to step forward and fill other positions in the event a member of the committee leaves for employment or personal reasons. ● Requires the employer to ensure members of the committee or the rep have reasonable opportunity to carry out various activities, including conduct other business proper to the functioning of the committee or the representative. This is a broad statement, capturing any number of activities. Guidance on the parameters for "business proper to the functioning of the committee" is necessary. ● Another activity under section 53(l)(b) is for the committee or rep to inform workers of the provisions of the Act. Elsewhere the regulations indicate this is the responsibility of the employer; do the regulations indicate this is also the responsibility of the committee? ● CONCERN: <ul style="list-style-type: none"> ○ Complaints made to the Committee could be investigated without informing the employer. A section should be added that the employer be informed of all investigations that take place by the
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		<p style="text-align: center;">Committee.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Whether other members of the OHS Committee receive training is up to an employer. The co-chairpersons must receive training. See section 58. In that section the obligation is on the employer, not on the WSCC. Ideally all members should receive training. • The OHS Committee has few requirements imposed on it. The purpose of the OHS Committee is to facilitate communications and aid the employer in meeting his or her responsibilities under the <i>Safety Act</i> and regulations. Generally it has a statutory duty under section 13 of the Act and it has a requirement to meet regularly. • In paragraph (1)(b), “proper” has been changed to “necessary”, with respect to work of the Committee, which we believe is a clearer standard. • There cannot be a quorum for a meeting of an OHS Committee without both employer and worker representatives present, so an employer will have knowledge of any decision made by the OHS Committee. Allowing an investigation or any other OHS Committee business to be carried on without the knowledge of the employer or workers, undermines the IRS.
<p>(2) An employer shall ensure that a worker who participates in a regular meeting held pursuant to section 49 or section 52 does not lose any pay or other benefits as a result of that</p>	<p>(2) An employer shall ensure that a worker who participates in a regular meeting held pursuant to section 49, 51.1, 52 or 54 does not lose any pay or other benefits as a result of that</p>	<p><u>Committee:</u> slight revision.</p>

participation.	participation.	
Meetings Called by Safety Officer	Meetings Called by Safety Officer	
54. A safety officer may call a meeting of the Committee or occupational health and safety representative to <ul style="list-style-type: none"> (a) ensure the proper functioning of the Committee or occupational health and safety representative; (b) provide information to the Committee or occupational health and safety representative; or (c) provide education concerning occupational health or safety at work to the Committee or occupational health and safety representative. 	54. A safety officer may call a meeting of a Committee, of several Committees jointly, of the co-chairpersons of committees or with a representative for the purpose of <ul style="list-style-type: none"> (a) ensuring the necessary functioning of the Committee, Committees or representative; (b) provide information to the Committee, Committees or representative; or (c) provide education concerning occupational health or safety at work to the Committee, Committees, co-chairpersons or representative. 	<u>Committee:</u> Restores this section to similar wording to section 49 of the Saskatchewan OHS Regulations. This renders section 55 unnecessary.
Attendance of Safety Officer	Removed	
55. (1) A safety officer may attend any meeting under this Part.	Removed	<u>Stakeholders:</u> Concerned that safety officers should have constraints on the powers they can exercise. <u>Committee:</u> Section 55 of the original draft gave was in tension with section 54 - section 54 limits the power of the safety officer to attend meetings only for specific purposes, yet original draft section 55 undermines that. Section 54 should not be undermined and therefore section 55 is removed.
(2) A safety officer may attend any meeting of the employer and workers under this Part, where the meeting concerns the health and safety of the workers or safety at the work site.	Removed	
Duty to Inspect Work Site	Duty to Inspect Work Site	
56. An employer shall ensure that the Committee or occupational health and safety representative <ul style="list-style-type: none"> (a) performs at least one inspection of the work site before each regular meeting pursuant to subsection 52(1); and 	56. An employer shall ensure that the Committee or representative <ul style="list-style-type: none"> (a) performs at least one inspection of the work site every three months; and (b) submits a written report of each inspection to the employer. 	<u>Committee:</u> slight revision: inspections must occur at least quarterly, but not necessarily as often as the meetings.

(b) submits a written report of each inspection to the employer.		
Representation During Inspection or Investigation	Representation During Inspection or Investigation	
57. (1) Subject to subsection (2), where a safety officer inspects a work site or investigates an accident at a work site, a Committee member or occupational health and safety representative may be present at the inspection or investigation.	57. Where a safety officer inspects a work site or investigates an accident at a work site, he or she may require a Committee member or the representative to be present at the inspection or investigation.	<u>Committee</u> : This section simplified.
(2) A safety officer may inspect a work site or investigate an accident at a work site in the absence of a Committee member or occupational health and safety representative if, in the safety officer's opinion, special circumstances exist that prevent the safety officer from making a proper inspection or investigation with a Committee member or occupational health and safety representative present at the inspection or investigation.	Removed	<u>Stakeholder</u> : Reasons for exclusion should be provided in writing at time of inspection or investigation <u>Committee</u> : Subsection (2) is not needed as it is covered under the Act. If a person accompanies a safety officer and obstructs, he or she is committing an offence under section 10 of the Act.
Training of Members and Representatives	Training of Members and Representatives	
58. (1) Where a Committee is established at a work site, the employer shall ensure that the co-chairpersons of the Committee receive training respecting the duties and functions of the Committee.	58. (1) Where a Committee is established at a work site, the employer shall ensure that the co-chairpersons of the Committee receive training respecting the duties and functions of the Committee.	<u>Stakeholders</u> : <ul style="list-style-type: none"> Of the view that this training should be an essential requirement for all committee members and not just the co-chairs. The idea of educational leave is one approach that is used for example in s. 44 Manitoba <i>Health and Safety Act</i>. Suggests rewording of subsection (1): 58. (1) Each member of a joint committee is entitled to an annual educational leave totalling 8 hours, or a longer period if prescribed by regulation, for the purposes of attending occupational health and safety training courses conducted by or with the approval of the Board.

		<ul style="list-style-type: none"> • Will other people on the committee receive training or will only the chairpersons? • Requires the employer to provide training. What supports will the WSCC provide to employers to fulfil this responsibility satisfactorily? • CONCERN: <ul style="list-style-type: none"> ○ 1. In this section only co-chairs receive training in respect to their duties. All board members should receive training in all aspects of the Safety Committee. This will allow a committee member to step forward and fill other positions in the event a member of the committee leaves for employment or personal reasons. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • It should be mandatory for the co-chairpersons to receive training and they can instruct the remaining members of the Committee. If an employer wishes to have more members receive training, the employer may do so but is not required to do so. Suggested wording is clearly from a statute. There is nothing wrong with an employer exceeding the basic regulatory requirements. • This section does not require the employer to provide the training. The employer is required to ensure that the co-chairpersons receive the training. • The WSCC, through its Safety Division,
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		provides considerable information and education resources for employers and OHS committees now, and is expected to continue to do so.
(2) Where an occupational health and safety representative is designated at a work site, the employer shall ensure that the representative receives training respecting the duties and functions of a representative.	(2) Where a representative is designated at a work site, the employer shall ensure that the representative receives training respecting the duties and functions of a representative.	
	(3) Where a member of a Committee or representative attends a training program, seminar or course of instruction on health and safety matters conducted or provided by the Commission or by an approved training agency, an employer shall credit the member's or representative's attendance as time at work and ensure that the member or representative loses no pay or other benefits.	<u>Committee:</u> This added subsection may help to address what support the WSCC may provide.
Replies by Employer	Replies by Employer	
59. (1) The employer shall reply, in writing, to all recommendations made by the Committee or occupational health and safety representative within 21 days of receipt of the recommendation.	59. The employer shall reply, in writing, to all recommendations made by the Committee or representative within a reasonable time after receipt of the recommendation.	<u>Committee:</u> <ul style="list-style-type: none"> No comments from stakeholders on this section. In light of the general comments of stakeholders and original draft section 59 was too detailed and legally formalistic.
(2) If the employer does not reply to the recommendations made pursuant to subsection (1), any of the following may refer the matter to a safety officer: <ul style="list-style-type: none"> (a) the employer; (b) the Committee; (c) a member of the Committee; (d) the occupational health and safety representative; (e) a worker. 		
(3) If the matter is referred to a safety		

<p>officer, the safety officer shall, after considering the reply and recommendations, if any, made under subsection (1), issue a written direction in accordance with the Act or any other regulation.</p>		
<p>(4) Nothing in this section limits the right of a worker to refer any matter respecting occupational health and safety directly to a safety officer.</p>		
<p>Communication by Safety Officer</p>	<p>Communication by Safety Officer</p>	
<p>60. (1) In this section, "communication" includes any direction, notice or report.</p>	<p>60. (1) In this section, "communication" includes any direction, notice or report.</p>	<p><u>Committee</u>: Only the term "representative" has changed in subsection (3).</p>
<p>(2) Where an employer receives a written communication from a safety officer, the employer shall make that communication available to the workers for at least 30 days after the date of receipt.</p>	<p>(2) Where an employer receives a written communication from a safety officer, the employer shall make that communication available to the workers for at least 30 days after the date of receipt.</p>	
<p>(3) Where a safety officer issues a written communication to an employer relating to the health and safety of workers, the employer shall ensure that a copy of the communication is sent to the Committee or occupational health and safety representative, if established or designated under this Part.</p>	<p>(3) Where a safety officer issues a written communication to an employer relating to the health and safety of workers, the employer shall ensure that a copy of the communication is sent to the Committee or representative.</p>	
<p>PART 5 FIRST AID</p>	<p>PART 5 FIRST AID</p>	
		<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • A review of Sch C refers to Class A and B first aid attendants. Part 5 references Level 1, 2 and 3 first aid attendants. This is inconsistent. • I don't know what provider theory was used to create this draft however, St. John Ambulance which is a large, if not the largest First Aid training provider in Nunavut, varies quite significantly. • Schedules D-F are very inconsistent which St. John timelines and content

		<p>depending on which level of training is desired.</p> <ul style="list-style-type: none"> • Currently most employers choose to deliver Standard First Aid Level A training which is a two day course over 13 hours, which focuses on adult first aid only. Also, according to St. John standards artificial respiration is not taught at this level. • Standard Level C Basic Rescuer training is taken by those who require the first aid skills necessary to treat adults, children and infants. Artificial respiration is only taught at this level and above. • The new regulations would make all enrol in the level C course although they may have no contact with children or infants in the workplace. <p><u>Committee:</u> Agrees. The definition section is reworked. A number of the definitions are moved to section 1, so as to have global effect. This has a rippling effect throughout the draft and in some cases cross-references are eliminated. The most significant effects are in Part 5 and its associated schedules. Additional schedules are added can be viewed at the end of Part Three of this volume.</p>
<p>Interpretation</p>	<p>Interpretation</p>	
<p>61. In this Part, "agency" means a body, person, association, society or other organization that is approved by the Chief Safety Officer and provides instruction by one or more competent instructors in first aid and cardiopulmonary resuscitation;</p>	<p>61. In this Part, "agency" means a body, person, association, society or other organization that is approved by the Chief Safety Officer and provides instruction by one or more competent instructors in first aid and cardiopulmonary resuscitation;</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Are the definitions of "close", "distant" and isolated reasonable taking into consideration the consequences which flow from such characterization of the work site?

<p>"close", in relation to a work site, means a work site that is not more than 30 minutes' travel time from a hospital or medical facility under normal travel conditions using available means of transportation;</p>	<p>"close", in relation to a work site, means a work site that is not more than 30 minutes' travel time from a hospital or medical facility under normal travel conditions using available means of transportation;</p>	<ul style="list-style-type: none"> • Are schedules D-F consistent with first aid training providers' timelines and training content depending on the level of training? • "...An overall concern is with the ambiguity of various definitions such as first aid personnel, maintenance or protective equipment. One of the challenges in providing feedback on unclear language to the WSCC is the level of uncertainty with our response. An example is the removal of reference to "first aider" and "first aid attendant" although reference is made in the definition of "first aid" (immediate assistance given in case of injury until medical aid has been obtained) and Section 65 also elaborates on the provision of first aid personnel." • In reviewing the regulations we would maintain a Level 2 (equivalent to the current Standard First Aid classification) for institutional and probation staff. However, the course content appears to be dictated and includes Emergency childbirth, infant resuscitation and rescue carries (not relevant to our clientele or operations). Most first aid organizations have a foundation program and electives to allow the course to be modified to address the most prevalent injuries in the region while meeting the minimum teaching hours. I am curious if the course requirement list provided is a 'pick' list or an established requirement. • A definition for a Class A & B Attendant
<p>"distant", in relation to a work site, means a work site that is more than 30 minutes' but not more than 2 hours' travel time from a hospital or medical facility under normal travel conditions using available means of transportation;</p>	<p>"distant", in relation to a work site, means a work site that is more than 30 minutes' but not more than 2 hours' travel time from a hospital or medical facility under normal travel conditions using available means of transportation;</p>	
<p>"emergency medical technician" or "EMT" means a person who</p> <ul style="list-style-type: none"> (a) holds at least a valid Level 3 first aid qualification, (b) has completed an approved course of emergency medical technologist training, (c) possesses an approved amount of experience as an emergency medical technician, and (d) is licenced by an approved agency; 	<p>Moved to section 1 see: "emergency medical technician", "first aid attendant" and "first aid qualification".</p>	
<p>"first aid attendant" means a holder of a valid</p> <ul style="list-style-type: none"> (a) first aid qualification, (b) licence or approval as an emergency medical technician, or (c) licence, certificate or other qualification that, in the opinion of the Chief Safety Officer, is equivalent to or superior to a qualification set out in paragraphs (a) to (b); 		
<p>"first aid qualification" means a qualification in first aid issued by an approved agency to a person who has followed a course of instruction as set out in</p> <ul style="list-style-type: none"> (a) Schedule D for a Level 1 first aid 		

<p>qualification, (b) Schedule E for a Level 2 first aid qualification, or (c) Schedule F for a Level 3 first aid qualification;</p>		<p>(schedule C) could not be found. The class is referenced in schedule C but there is no correlation to Level 1 (Schedule D: 2.5-4 hrs. training), Level 2 (Schedule E: 9-11 hrs. training), and Level 3 (Schedule F: 40-44 hrs. training) first aid qualifications. That would be useful.</p> <ul style="list-style-type: none"> • The requirement for instructors to be certified in Level III First Aid places an undue burden on current and prospective instructors. We recognize the importance of having a full understanding of the subject matter being taught. Nevertheless, our experience shows that instructors are best prepared by a program focused on the specific material being delivered and on adult learning principles. It should not be a requirement of instructors who teach Level I and Level II First Aid to be Level III certified. We recommend that the requirement for qualification of an instructor be that they have completed an instructor development program by an approved training agency and that they be evaluated by that agency a minimum of once every three years. • Why change from the present 20 mins in the GSRs in respect of "close"? • First Aid provisions should be synchronized with MHSRs. • An instructor has a separate and independent qualification and is not necessarily equivalent to a first aid qualification. <p><u>Committee:</u></p>
<p>"instructor" means a person who has successfully completed first aid and cardiopulmonary resuscitation instructor training and holds at least a Level 3 first aid qualification;</p>	<p>"instructor" means a person who holds a current certification as a first aid instructor that is issued by an approved agency;</p>	
<p>"isolated" in relation to a work site, means a work site (a) that is more than 2 hours' travel time from a hospital or medical facility under normal travel conditions using available means of surface transportation, or (b) for which transport by aircraft is the normal mode of transport;</p>	<p>Moved to section 1 as "isolated work site".</p>	
<p>"medical facility" means a medical clinic or office where a physician or nurse is always readily available.</p>	<p>"medical facility" means a medical clinic or office where a medical professional is always readily available.</p>	

		<ul style="list-style-type: none"> Revised definitions should address all of these concerns. First aid provisions are not being synchronized with the MHSRs. Schedules referenced are redrafted, New schedules D.1 and E.1. are added, and schedule F (Level 3 qualifications) is deleted. The current requirement of section 67 of the <i>General Safety Regulations</i> establishes what is essentially "close" using 20 minutes travel time, rather than 30 minutes travel time. This is a more onerous requirement than in other jurisdictions. The use of "medical professional" has also been adopted in the revision in volume 2, in place of "physician". In volume 1, the term used was "medical practitioner" but on further review it does not achieve the desired effect. Simplified the definition of an "instructor".
Application	Application	
62. This Part does not apply to (a) a hospital, medical clinic, physician's office, nursing home or other health care facility where a physician or a nurse is always readily available; or (b) a close work site at which the work performed is low hazard work.	62. This Part does not apply to (a) a hospital, medical clinic, medical professional's office, nursing home or other health care facility where a medical professional is always readily available; or (b) a close work site at which the work performed is entirely low hazard work.	<u>Stakeholders:</u> <ul style="list-style-type: none"> Para (b) exempts all close work sites performing low hazard work from the requirements of Part 5. These workplaces are later included in Schedule C. We recommend removing paragraph 62(b). 62(b) should be "entirely low hazard". <u>Committee:</u> <ul style="list-style-type: none"> Schedule C modified. Added "entirely" to paragraph (b).
Provision of First Aid	Provision of First Aid	
63. Subject to section 64, an employer shall (a) provide the personnel, supplies, equipment, facilities and	63. Subject to section 64, an employer shall (a) provide the first aid attendants, supplies, equipment, facilities and	<u>Stakeholders:</u> <ul style="list-style-type: none"> "...For example, given the close proximity of the hospital in Yellowknife

<p>transportation required by this Part to render prompt and appropriate first aid to workers at a work site;</p> <p>(b) in consultation with the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, review the provisions of this Part;</p> <p>(c) if the provisions of this Part are not adequate to meet any specific hazard at a work site, provide additional personnel, supplies, equipment and facilities that are appropriate for the hazard; and</p> <p>(d) ensure that, where a worker may be entrapped or incapacitated in a situation that may be dangerous to a person involved in the rescue operation,</p> <p>(i) an effective written procedure for the rescue of that worker is developed, and</p> <p>(ii) suitable personnel and rescue equipment are provided.</p>	<p>transportation required by this Part to render prompt and appropriate first aid to workers at a work site;</p> <p>(b) in consultation with the Committee, representative or, where there is no Committee or representative available, with the workers, review the provisions of this Part;</p> <p>(c) if the provisions of this Part are not adequate to meet any specific hazard at a work site, provide additional first aid attendants, supplies, equipment and facilities that are appropriate for the hazard; and</p> <p>(d) ensure that, where a worker may be entrapped or incapacitated in a situation that may be dangerous to a person involved in the rescue operation,</p> <p>(i) an effective written procedure for the rescue of that worker is developed, and</p> <p>(ii) suitable first aid attendants and rescue equipment are provided.</p>	<p>and the relatively small number of expected claims, the requirement to provide First Aid in the context of many government office settings may not be necessary."</p> <ul style="list-style-type: none"> • Is generally an onerous responsibility for an employer to fulfil effectively. • Section 63(c) would benefit from clarification or cross referencing to sections of the Act or regulations on how to determine if the provisions of first aid under Part 5: First Aid are not adequate to meet a specific hazard, and how to determine what additional personnel, supplies, equipment and facilities are appropriate for the hazard are to be provided. • Section 63(d) appears to require an employer to directly provide emergency fire and EMT services (personnel and equipment). <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The redraft of this section makes use of the "representative" rather than "occupational health and safety representative". • "Personnel" is changed to "first aid attendants", to be consistent with that defined term. • Re: paragraph (c), It is impossible to prescribe exactly what equipment is needed at every work site. The employer is in the best position to make that determination, not the regulator. • Paragraph (d) only applies in a certain case. The last bullet comment gives the
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		paragraph a broader application than the paragraph states.
Multiple Employers	Multiple Employers	
64. (1) Where more than one employer has workers at a common work site (a) the employers may agree in writing to provide collectively the personnel, supplies, equipment, facilities and transportation for injured workers required by this Part; or (b) a safety officer may, by notice in writing, require the employers to provide collectively the personnel, supplies, equipment, facilities and transportation for injured workers required by this Part.	64. (1) Where more than one employer has workers at a common work site (a) the employers may agree in writing to provide collectively the first aid attendants, supplies, equipment, facilities and transportation for injured workers required by this Part; or (b) a safety officer may, by notice in writing, require the employers to provide collectively the first aid attendants, supplies, equipment, facilities and transportation for injured workers required by this Part.	<u>Stakeholder:</u> May require an agreement between agencies in our shared office space as to who will provide trained personnel and supplies. <u>Committee:</u> <ul style="list-style-type: none"> • Agrees. • The use of " personnel" is changed to "first aid attendants" to be consistent with that defined term in the redraft.
(2) Where subsection (1) applies, the total number of workers of all employers at the work site is deemed to be the number of workers at the work site.	(2) Where subsection (1) applies, the total number of workers of all employers at the work site is deemed to be the number of workers at the work site.	
First Aid Personnel	First Aid Attendants	
65. (1) An employer shall provide and make available to workers at a work site, first aid personnel, facilities and equipment as set out in Schedule C as appropriate to (a) whether the work site is close, distant or isolated; and (b) the number of workers at the work site.	65. (1) An employer shall provide the first aid attendants and supplies set out in Schedule C for (a) the type of work carried out at the work site; (b) the distance of the work site from the nearest medical facility; and (c) the number of workers at the work site at any one time.	<u>Stakeholders:</u> <ul style="list-style-type: none"> • Under the proposed regulations, "Schedules" for First Aid qualifications do not correspond with each other where time lines are indicated. Better clarification is needed. • Qualification indicated for instructors is advanced and is costly to the individual. The St John's Ambulance First Aid Instructor course does not include all of the requirements for Level 3. • This would create a back log for employers in getting workers qualified and possibly shut down some work sites

		<p>(construction) due to the lack of qualified First Aiders</p> <ul style="list-style-type: none"> • Suggests synchronizing Schedules with MHSRs. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This section is redrafted to use "first aid attendants". The redraft makes a number of minor wording changes from the consultation draft and in the Schedules referenced. • Schedules and text in this part have been greatly revised in order to achieve consistency and clarity. • Levels reduced to two levels. • Sections 70 and 71 of the GSRs require first aiders much along the same lines as proposed section 65. The requirement for first aiders is already a regulatory requirement. If there is a lack of qualified first aid attendants, the employer can get them trained. WSCC may, under certain conditions, assist. • What is suitable for a work site that is a mine is not necessarily suitable at all work sites.
<p>(2) An employer shall ensure that any first aid attendant required pursuant to subsection (1) has a valid and appropriate first aid qualification.</p>	<p>(2) An employer shall ensure that the first aid attendants required pursuant to subsection (1) have the qualifications set out in Schedule D or E, as the case may require.</p>	
<p>(3) Where rescue personnel are required by these regulations to be provided at a work site, an employer shall ensure that at least one first aid attendant with a Level 3 first aid qualification is readily available during working hours, in addition to what is required under subsection (1).</p>	<p>(3) Where rescue personnel are required by these regulations to be provided at a work site, an employer shall ensure that at least one first aid attendant with a Level 1 qualification is readily available during working hours, in addition to what is required under subsection (1).</p>	<p><u>Stakeholders:</u> This adds a new level of complexity for the requirement of a level 3 where we have a rescue team at site such as for some confined space entries. It will require many employers to hire first aiders or to increase the qualification level of all rescue staff to level three.</p>

		<u>Committee</u> : Agrees. First aid requirements are dropped to only two qualifications, not three, and in this case the additional person is only required to have level 1 qualifications.
(4) Notwithstanding any other provision of this Part, where an employer provides lodging for workers at or near an isolated or distant work site, the employer shall provide first aid attendants, supplies, equipment and facilities required as set out in Schedules C, G, H, I and J.	(4) Where an employer provides lodging for workers at or near a distant or isolated work site, the employer shall provide first aid attendants, supplies, equipment and facilities required as set out in Schedules C, G, H, I and J based on the total number of workers at or near the work site, whether or not the workers are all working at any one time.	<u>Committee</u> : Slightly revised.
(5) An employer shall (a) allow a first aid attendant and any other worker who assists the first aid attendant the necessary time to provide prompt and adequate first aid to a worker who has been injured or taken ill; and (b) ensure that time spent by a first aid attendant and any other worker who assists the first aid attendant, is credited as time at work and that the workers do not lose pay or benefits with respect to the time.	(5) An employer shall (a) allow a first aid attendant and any other worker that the first aid attendant needs for assistance to provide prompt and adequate first aid to a worker who has been injured or taken ill; (b) ensure that the first aid attendant and any worker assisting the first aid attendant have adequate time, with no loss of pay or other benefits, to provide first aid.	<u>Committee</u> : Redrafted.
Certificates of Qualification	Certificates	
66. (1) An agency shall issue a certificate of qualification in an approved form to a person who has obtained a first aid qualification.	66. (1) No certificate issued by an agency is valid for the purposes of this Part unless the certificate specifies the level of the qualification for which it is issued and the expiry date of the certificate.	<u>Stakeholder</u> : <ul style="list-style-type: none"> The first aid qualification should be clarified by WSCC so that agencies providing documentation are able to give employers the required certificate. We would not want the wrong version and be fined by WCSS. Why would we not use same requirements as previous safety regs and as per MHSR St. John Ambulance or equivalent first aid qualifications.

		<ul style="list-style-type: none"> This is an unreasonable obligation to be put on an agency <p><u>Committee:</u></p> <ul style="list-style-type: none"> Section revised. Note definition of "agency" in section 61 requires that it is approved by the CSO. The objective of this project is to bring regulations made under the <i>Safety Act</i> into harmony with similar regulations in other jurisdictions in western Canada. The objective is not to harmonize with the MHSRs.
<p>(2) A certificate of qualification must specify</p> <ul style="list-style-type: none"> (a) an expiry date not exceeding three years after the first aid qualification was obtained; (b) the conditions for the renewal of the certificate; and (c) the level of first aid qualification corresponding to the course of first aid instruction followed. 	<p>(2) A certificate that issued by an agency under this section is valid for a period not exceeding three years.</p>	<p><u>Committee:</u> Simplified.</p>
<p>(3) A certificate of qualification issued by an agency under this section is evidence that the person to whom it is issued has the first aid qualification at the level indicated on it.</p>	<p>Removed</p>	<p><u>Committee:</u> This is obvious.</p>
<p>First Aid Station</p>	<p>First Aid Station</p>	
<p>67. (1) An employer shall, at each work site, provide and maintain a readily accessible first aid station that contains</p> <ul style="list-style-type: none"> (a) a first aid box containing the supplies and equipment set out in Schedule G; (b) a suitable first aid manual; and (c) any other supplies, documents and equipment required by these regulations. 	<p>67. (1) An employer shall provide and maintain for each work site a readily accessible first aid station that contains</p> <ul style="list-style-type: none"> (a) a first aid box containing the supplies and equipment set out in Schedule G; (b) a suitable first aid manual; and (c) any other supplies and equipment required by these regulations. 	<p><u>Committee:</u> Reference to documents is deleted; keeping a first aid register, or any other documentation or files, with the first aid station is potentially a problem. The employer may lose control and custody of those documents.</p>

<p>(2) An employer shall ensure that</p> <p>(a) the location of a first aid station is clearly and conspicuously identified; and</p> <p>(b) an appropriate emergency procedure is prominently displayed at each first aid station and includes</p> <p>(i) an emergency telephone number list and other instructions for reaching the nearest fire, police, ambulance, physician, hospital or other appropriate service, and</p> <p>(ii) any written rescue procedure required by subparagraph 63(d)(i).</p>	<p>(2) An employer shall ensure that</p> <p>(a) the location of a first aid station is clearly and conspicuously identified; and</p> <p>(b) at each first aid station, an appropriate emergency procedure is prominently displayed that includes</p> <p>(i) an emergency telephone number list and other instructions for reaching the nearest fire, police, ambulance, hospital or other appropriate service, and</p> <p>(ii) any written rescue procedure required by subparagraph 63(d)(i).</p>	<p><u>Stakeholders:</u> This only applies for a work site close to a hospital where there is a 24/7 ambulance service (i.e. Iqaluit, Yellowknife); at all other work sites the employer has to provide the ambulance service to bring a person to the nursing station. This could mean keeping a critically injured person comfortable while awaiting the weather to clear to bring the person to the nursing station. Suggested revision: “(i) an emergency telephone list and other instructions appropriate and specific to the work site, placed in conspicuous locations at or near the phone or communication device”.</p> <p><u>Committee:</u> This applies to all work sites whether close, distant or isolated. The suggestion from the stakeholder runs the risk of making the first aid station a place for communicating non-first aid related information.</p>
<p>First Aid Room</p>	<p>First Aid Room</p>	
<p>68. Where 100 or more workers work at a distant or isolated work site at any one time, an employer shall provide a first aid room that</p> <p>(a) is of adequate size and cleanliness;</p> <p>(b) is provided with adequate lighting, ventilation and heating;</p> <p>(c) is equipped with</p> <p>(i) a permanently installed sink, with hot and cold water,</p> <p>(ii) the first aid supplies, documents and equipment required under this Part, and</p> <p>(iii) a cot or bed with pillows;</p> <p>(d) is under the charge of a first aid attendant as required under this Part, and who is readily available to provide first aid; and</p>	<p>68. Where there are likely to be 100 or more workers work at a distant or isolated work site at any one time, an employer shall provide a first aid room that</p> <p>(a) is of adequate size and cleanliness;</p> <p>(b) is provided with adequate lighting, ventilation and heating;</p> <p>(c) is equipped with</p> <p>(i) a permanently installed sink, with hot and cold water,</p> <p>(ii) the first aid supplies, documents and equipment required under this Part, and</p> <p>(iii) a cot or bed with pillows;</p> <p>(d) is under the charge of a first aid attendant as required under this Part, and who is readily available to</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Suggested deletion of 100. • Also suggested adding para (f), "must be equipped with communicating device for calling a doctor...", and deletion of para (d). <p><u>Committee:</u></p> <ul style="list-style-type: none"> • "100" is left in place. • Communications are part of subsection 67(2). • The section is modified slightly to add a likelihood aspect to the number of workers.

<p>(e) is used exclusively for the purposes of administering first aid.</p>	<p>provide first aid; and (e) is used exclusively for the purposes of administering first aid.</p>	
<p>First Aid Register</p>	<p>First Aid Register</p>	
<p>69. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) each first aid station and first aid room is provided with a first aid register; (b) the particulars of every first aid treatment administered or case referred to medical attention are recorded in the first aid register; (c) the first aid register is readily available for inspection by the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers; and (d) every first aid register no longer in use is retained for a period of not less than three years from the day on which the register ceased to be used. 	<p>69. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) each first aid station and first aid room is provided with a first aid register; (b) the particulars of every first aid treatment administered or case referred to medical attention are recorded in the first aid register; (c) the first aid register is readily available for inspection by the Committee or representative; and (d) every first aid register no longer in use is retained for a period of not less than three years from the day on which the register ceased to be used. 	<p><u>Stakeholders:</u> This register will contain medical information and must remain confidential. Workers should not be entitled to the record.</p> <p><u>Committee:</u> The information in the first aid register will contain personal information and probably medical information. Section 10 of these regulations apply. Section 11 of the Act applies. ATIPPA applies to public sector employers. Information in the register remains confidential. The Committee or a representative must be able to inspect the register. It is an indicator of potential OHS issues at the work site. A safety officer can also inspect the register.</p>
<p>Workers Being Transported</p>	<p>Workers Being Transported</p>	
<p>70. Where workers are being transported by an employer and a first aid station, medical clinic, physician’s office, hospital or other health care facility is not close, the employer shall provide a first aid box that contains at least the supplies and equipment listed in Schedule G and that is readily available to the workers being transported.</p>	<p>70. Where workers are being transported by an employer to a first aid station, medical clinic, medical professional’s office, hospital or other health care facility that is not close, the employer shall provide a first aid box that contains at least the supplies and equipment listed in Schedule G and that is readily available to the workers being transported.</p>	<p><u>Stakeholders:</u> Confusing - it is not obvious if this [applies only to] an injured worker, or [if it also applies to] the transportation of workers to their work site. It appears this is for travelling to/from work, [and] if it is more than 20 mins then a first aid room and first aid attendant is required.</p> <p>Suggested rewording: "Where workers are being transported to a distant or isolated site by an employer, the employer shall provide a first aid box on the transporting media that contains at least the supplies and equipment listed in Schedule G</p>

		<p>and that is readily available to the workers being transported."</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This applies to injured and other workers (first aid attendants, escorts, drivers etc.). The box could be on or in a vehicle or on the person of any worker being transported. Section 65 requires provision of first aid attendants and supplies for work sites. Note any transport vehicle is likely a work site. • This section applies to ambulance services, or a vehicle being used by an employer to provide an ambulance service, not to workers being transported to distant or isolated work sites.
<p>First Aid Supplies and Equipment</p>	<p>First Aid Supplies and Equipment</p>	
<p>71. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) all first aid supplies and equipment are protected and kept in a clean and dry state; and (b) no supplies, equipment or materials other than supplies and equipment for first aid are kept in the first aid box referred to in this Part and described in Schedule G. 	<p>71. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) all first aid supplies and equipment are protected and kept in a clean and dry state; and (b) no supplies, equipment or materials other than supplies and equipment for first aid are kept in the first aid box. 	<p><u>Stakeholder:</u></p> <ul style="list-style-type: none"> • CONCERN: Schedules connected to this section do not indicate quantities and measurements to each of the item required in the different levels of first aid kits. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Simply setting out quantities and measurements of each item to be contained in a first aid kit or made available is too prescriptive. Such details provide a false sense of security. Surely the equipment required depends on the work and the accident history. An employer, Committee, representative and first aid attendants can make that

<p>(2) An employer shall, at a work site where a first aid attendant is required pursuant to section 65, provide the additional first aid supplies and equipment as set out</p> <p>(a) in Schedule H where a first aid attendant with a Level 1 first aid qualification is required;</p> <p>(b) in Schedule I where a first aid attendant with a Level 2 first aid qualification or an emergency medical technician’s licence is required; and</p> <p>(c) in Schedule J where a first aid attendant with a Level 3 first aid qualification or an emergency medical technician’s licence is required.</p>	<p>(2) An employer shall, at a work site where a first aid attendant is required pursuant to section 65, provide the additional first aid supplies and equipment set out</p> <p>(a) in Schedule H where a first aid attendant with a Level 1 qualification is required; and</p> <p>(b) in Schedule I where a first aid attendant with a Level 2 qualification is required-</p>	<p>call.</p> <p><u>Stakeholder:</u></p> <ul style="list-style-type: none"> Delete level 1 and stay with present minimum standard of St. John’s First aid or 16 hour first aid course [We have done this common concern including from SJA] What if no 24/7 ambulance service as in YK or IQ? Employer has to stabilize seriously injured worker and provide the ambulance service to bring the worker to the nursing station therefore as per the MHSR if it no more than 20 min to the hospital you need a Level 1 or equivalent 40 hr course. If more than 20 min you need Level II or equivalent 80 hr course EMT should be dropped. <p><u>Committee:</u></p> <ul style="list-style-type: none"> This section was modified to reflect the reversion to the 2 levels of first aid qualification (present in the current GSRs and also in the Saskatchewan <i>OHS Regulations</i>). 30 mins chosen as in Saskatchewan. EMT is to be retained. It appears in Schedule C. No reason advanced to drop it.
<p>(3) An employer shall, at a distant or isolated work site and where there are at least two workers, provide and make readily accessible to workers two blankets, a stretcher and splints for the upper and lower limbs.</p>	<p>Removed</p>	<p><u>Stakeholder:</u></p> <ul style="list-style-type: none"> Believe this should be provided at any work site in a community except a community where there is a permanent ambulance service <p><u>Committee:</u></p> <ul style="list-style-type: none"> This subsection applies to distant or isolated work sites and where there are

		<p>at least two workers. A community may be such a work site, but not all communities are such work sites. There is no reason to introduce another term ("community") when "distant work site" and "isolated work site" suffice.</p> <ul style="list-style-type: none"> • Subsection (3) is removed because the requirement is already present in Schedule C.
Transportation of Injured Workers	Transportation of Injured Workers	
72. (1) An employer shall ensure that a means of transportation for injured workers to a medical facility or hospital is available.	72. (1) An employer shall ensure that a means of transportation for injured workers to a medical facility or hospital is available.	<p><u>Stakeholders:</u> Ambulance service is not available in most areas of the NT/NU, and SUVs capable of carrying stretchers may not be [readily] available at [work sites]. Will this require [employers to purchase and] have a vehicle permanently available at the worksite?</p> <p><u>Committee:</u> Whether an employer needs to purchase a vehicle is up to the employer. The requirement is that a means of transportation is available. See subsection (2).</p>
<p>(2) The following meet the requirements of subsection (1):</p> <ul style="list-style-type: none"> (a) an ambulance service that is within 30 minutes' travel time from the ambulance base to the work site under normal travel conditions; (b) a suitable means of transportation, having regard to the distance to be travelled and the risks to which workers are exposed, that affords protection against the weather and is equipped, where reasonably practicable, with a means of communication that permits contact with the medical facility or hospital to which the injured worker is being 	<p>(2) The following meet the requirements of subsection (1):</p> <ul style="list-style-type: none"> (a) an ambulance service that is within 30 minutes' travel time from the ambulance base to the work site under normal travel conditions; (b) a suitable means of transportation, having regard to the distance to be travelled and the risks to which workers are exposed, that affords protection against the weather and is equipped, where reasonably practicable, with a means of communication that permits contact with the medical facility or hospital to which the injured worker is being 	<p><u>Stakeholders:</u> Has to be a permanent ambulance service available 24/7, and why change from present regulations [requirement] of 20 mins?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The obligation is to ensure availability of a means of transportation for injured workers to a medical facility or hospital (subsection (1)). One way of meeting those requirements is to have an ambulance service that is within 30 minutes' travel time from its base to the work site. • The time requirement has been increased from 20 minutes to 30 minutes. That is consistent with the

transported and with the work site.	transported and with the work site.	legislation of other jurisdictions.
(3) If a stretcher is required to be provided pursuant to subsection 71(3), an employer shall ensure that the means of transportation provided pursuant to paragraph (2)(b) is capable of accommodating and securing an occupied stretcher.	(3) If a stretcher is required to be provided pursuant to subsection 71(3), an employer shall ensure that the means of transportation provided pursuant to paragraph (2)(b) is capable of accommodating and securing an occupied stretcher.	
(4) An employer shall provide a reliable means of communication to summon the transportation required by subsection (1).	(4) An employer shall provide a means of communication to summon the transportation required by subsection (1).	<u>Committee:</u> If the means of communications is not reliable, it is not an effective means of communication.
(5) If a worker is seriously injured or, in the opinion of a first aid attendant, needs to be accompanied during transportation, an employer shall ensure that the worker is accompanied by a first aid attendant during transportation.	(5) Where a worker is seriously injured or, in the opinion of a first aid attendant, needs to be accompanied during transportation, an employer shall ensure that the worker is accompanied by a first aid attendant during transportation.	<u>Stakeholders:</u> If first aid attendant leaves the work site for any reason, all work of a hazardous nature must be stopped until they return. <u>Committee:</u> If a first aid attendant is required at a work site, and the only first aid attendant on site leaves to accompany an injured worker, the employer must find a substitute, or the employer will be in violation of this subsection.
Asphyxiation and Poisoning	Asphyxiation and Poisoning	
73. If a worker is at risk of asphyxiation or poisoning, an employer shall ensure that all practicable emergency arrangements are made, prior to commencement of the work, for the rescue of the worker and for the prompt provision of antidotes, supportive measures, first aid, medical attention and any other arrangements that are appropriate to mitigate the risk to the health and safety of the worker.	73. Where a worker is at risk of asphyxiation or poisoning, an employer shall ensure that all practicable emergency arrangements are made, prior to commencement of the work, for the rescue of the worker and for the prompt provision of antidotes, supportive measures, first aid, medical attention and any other arrangements that are appropriate to mitigate the risk of asphyxiation or poisoning to the health and safety of the worker.	
Additional Provisions	Additional Provisions	
74. A safety officer may, by notice in writing, require an employer to take additional measures beyond what is required in this Part to make first aid and emergency arrangements at a work site adequate if, in the opinion of the safety officer, first aid and emergency arrangements at a work	74. A safety officer may, by notice in writing, require an employer to take additional measures beyond what is required in this Part to make first aid and emergency arrangements at a work site adequate if, in the opinion of the safety officer, first aid and emergency arrangements at a work	

site are inadequate.	site are inadequate.	
PART 6 GENERAL HEALTH REQUIREMENTS	PART 6 GENERAL HEALTH REQUIREMENTS	<u>Stakeholders:</u> The proposed <i>Occupational Health and Safety Regulations</i> have broadened considerations for general health requirements which will be particularly useful in giving guidance on conditions pertaining to the average office work environment. This clarity will help both the employer and employee in specifying requirements and expectations and should result in less confusion and subjective interpretations that can lead to misunderstandings. <u>Committee:</u> Agrees.
Sanitation	Sanitation	
75. (1) An employer shall ensure that a work site is sanitary and kept clean and shall ensure, to the extent that is reasonably practicable, that (a) dirt and debris are removed at least daily by a suitable method from all floors, working surfaces, stairways and passages; (b) floors are cleaned at least once each week by washing, vacuum cleaning or any other effective and suitable method; and (c) all inside walls, partitions, ceilings, passages and staircases are clean and are suitably finished and maintained.	75. (1) An employer shall, to the extent that is reasonably practicable, ensure that a work site is sanitary and kept clean.	<u>Stakeholders:</u> <ul style="list-style-type: none"> Sanitation is a new provision. We understand why debris is a safety issue, but are not clear why sanitation is. More explanation is required for inclusion of this provision. Should not specify how often floors must be broom, washed or vacuumed. Too detailed. Does (b) apply to construction and demolition? <u>Committee:</u> <ul style="list-style-type: none"> This subsection simplified. The details in the paragraphs can be put in a code of practice. Similar provisions are present in similar regulations in western Canada.
(2) Where a worker may be exposed to refuse, spills or waste materials that may pose a risk to a worker’s health or safety, an employer shall ensure that the refuse, spill or waste material is removed by a suitable method from	(2) Where a worker may be exposed to refuse, spills or waste materials that may pose a risk to a worker's health or safety, an employer shall ensure that the refuse, spill or waste material is removed by a suitable method from	

the work site as soon as is practicable.	the work site as soon as is practicable.	
Ventilation and Air Supply	Ventilation and Air Supply	
<p>76. An employer shall</p> <ul style="list-style-type: none"> (a) ensure the adequate ventilation of a work site; and (b) to the extent that is reasonably practicable, render harmless and inoffensive, and prevent the accumulation of, any contaminants or impurities in the air by providing an adequate supply of clean and wholesome air and maintaining its circulation throughout the work site. 	<p>76. An employer shall</p> <ul style="list-style-type: none"> (a) ensure the adequate ventilation of a work site; and (b) to the extent that is reasonably practicable, render harmless, and prevent the accumulation of, any contaminants or impurities in the air by providing an adequate supply of clean and wholesome air and maintaining its circulation throughout the work site. 	<p><u>Stakeholders:</u> “reasonably practicable” does not apply: either the system is adequate or it fails to provide the required protection.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • “Inoffensive” is removed as being too subjective. It may not be reasonably practicable for the employer to prevent accumulation. In such cases PPE or exposure control can be applied. • For a discussion on the use of "reasonably practicable" see page 11. • If the system is inadequate other methods of mitigating risk may be used: exposure control, biological monitoring, use of PPE etc. Protection can be had in other ways.
Mechanical Ventilation	Mechanical Ventilation	
<p>77. (1) An employer shall</p> <ul style="list-style-type: none"> (a) provide a mechanical ventilation system at a work site that is sufficient and suitable to protect the workers against inhalation of a contaminant and to prevent accumulation of the contaminant; and (b) ensure that the mechanical ventilation system is maintained and properly used, where any work, activity or process at the work site gives off <ul style="list-style-type: none"> (i) a dust, fume, gas, mist, aerosol or vapour or other contaminant of a kind and quantity that is likely to be hazardous to 	<p>77. (1) An employer shall</p> <ul style="list-style-type: none"> (a) provide a mechanical ventilation system at a work site that is sufficient and suitable to protect the workers against inhalation of a contaminant and to prevent accumulation of the contaminant; and (b) ensure that the mechanical ventilation system is maintained and properly used, where any work, activity or process at the work site gives off <ul style="list-style-type: none"> (i) a dust, fume, gas, mist, aerosol or vapour or other contaminant of a kind and quantity that is likely to be hazardous to 	

<p>workers, or (ii) substantial quantities of contaminants of any kind.</p>	<p>workers, or (ii) substantial quantities of contaminants of any kind.</p>	
<p>(2) An employer who provides a mechanical ventilation system at a work site, whether required by subsection (1) or not, shall ensure that the system provides sufficient fresh and tempered air to replace the air exhausted by ventilation.</p>	<p>(2) An employer who provides a mechanical ventilation system at a work site, whether required by subsection (1) or not, shall ensure that the system provides sufficient fresh and tempered air to replace the air exhausted by ventilation.</p>	<p><u>Stakeholders:</u> Should be in compliance with ASHRAE standards, not left open for others to determine requirement and temperament.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • That is probably a best practice for industry. It need not be a regulatory requirement. • For more information on codes of practice, standards and codes see page 10.
<p>(3) An employer shall, where practicable, ensure that a mechanical ventilation system required by subsection (1)</p> <p>(a) includes local exhaust ventilation that is installed and maintained at or near the point of origin of the contaminant so as to effectively prevent the contaminant from entering the air of the work site; and</p> <p>(b) is equipped with a device that will provide a warning to workers when the system is not working effectively.</p>	<p>(3) An employer shall, where practicable, ensure that a mechanical ventilation system required by subsection (1)</p> <p>(a) includes local exhaust ventilation that is installed and maintained at or near the point of origin of the contaminant so as to effectively prevent the contaminant from entering the air of the work site; and</p> <p>(b) is equipped with a device that will provide a warning to workers when the system is not working effectively.</p>	
<p>(4) An employer shall ensure that contaminants removed by a mechanical ventilation system required by subsection (1) are</p> <p>(a) exhausted clear of the work site; and</p> <p>(b) where reasonably practicable, prevented from entering any work site.</p>	<p>(4) An employer shall ensure that contaminants removed by a mechanical ventilation system required by subsection (1) are</p> <p>(a) exhausted clear of the work site; and</p> <p>(b) where reasonably practicable, prevented from entering any work site.</p>	<p><u>Stakeholders:</u> “reasonably practicable” does not apply: the contaminants cannot be allowed to enter or re-enter a work site.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • There may be reasons why contaminants cannot be completely eliminated. For example in asbestos abatement. • For a discussion on the use of "reasonably practicable" see page 11.

		<ul style="list-style-type: none"> If the system is inadequate other methods of mitigating risk may be used: exposure control, biological monitoring, use of PPE etc. Protection can be had in other ways.
(5) An employer shall ensure that effective provision is made for the immediate protection of workers in the event of failure of a mechanical ventilation system required by subsection (1).	(5) An employer shall ensure that effective provision is made for the immediate protection of workers in the event of failure of a mechanical ventilation system required by subsection (1).	
(6) Where an air cleaning system is used to clean recirculated air, an employer shall ensure that the air cleaning system is designed, installed and maintained to remove particulate and gaseous contaminants at a rate that is sufficient to protect the health and safety of workers and, where reasonably practicable, to render the air inoffensive.	(6) Where an air cleaning system is used to clean recirculated air, an employer shall ensure that the air cleaning system is designed, installed and maintained to remove particulate and gaseous contaminants at a rate that is sufficient to protect the health and safety of workers.	<u>Committee</u> : “inoffensive” removed because the term is too subjective.
Cleaning and Maintaining Ventilation Systems	Cleaning and Maintaining Ventilation Systems	
78. (1) An employer shall ensure that (a) a mechanical ventilation system, including any humidifying equipment, is constructed and maintained to minimize the growth and dissemination of micro-organisms, insects and mites through the ventilation system; and (b) where reasonably practicable, the components of a mechanical ventilation system are readily accessible for cleaning and inspection.	78. (1) An employer shall ensure that (a) a mechanical ventilation system, including any humidifying equipment, is constructed and maintained to minimize the growth and dissemination of micro-organisms, insects and mites through the ventilation system; and (b) where reasonably practicable, the components of a mechanical ventilation system are readily accessible for cleaning and inspection.	
(2) An employer shall ensure that a competent person inspects and maintains all parts of a mechanical ventilation system, cleans all louvers and replaces or adequately cleans all filters at intervals sufficient to ensure the efficient operation of the system.	(2) An employer shall ensure that a competent person inspects and maintains all parts of a mechanical ventilation system, cleans all louvers and replaces or adequately cleans all filters at intervals sufficient to ensure the efficient operation of the system.	

<p>(3) An employer shall keep all ventilation openings free of any obstruction or source of contamination.</p>	<p>(3) An employer shall keep all ventilation openings free of any obstruction or source of contamination.</p>	
<p>(4) An employer shall ensure that a record of all inspections, maintenance and cleaning of a mechanical ventilation system required by this section</p> <p>(a) is made by the competent person who performs the work; and</p> <p>(b) is readily available for examination by the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers.</p>	<p>(4) An employer shall ensure that a record of all inspections, maintenance and cleaning of a mechanical ventilation system required by this section</p> <p>(a) is made by the competent person who performs the work; and</p> <p>(b) is readily available for examination by the Committee, representative or, where there is no Committee or representative available, the workers.</p>	
<p>Space</p>	<p>Space</p>	
<p>79. (1) An employer shall ensure that no part of a work site is overcrowded to a degree that may cause risk of injury to workers.</p>	<p>79. An employer shall ensure that no part of a work site is overcrowded to a degree that may cause risk of injury to workers.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This generalization of work space is not practical. There are many tasks that require workers to be working together in close proximity. This may also conflict with Confined Space Entry requirements. • Without a definition of work site it is difficult to calculate this [ss.(2) requirement]. Does it include total workspace at that location or an immediate work area? Are confined spaces excluded? • This [ss.(2)] is a strange way of putting it: it should really specify min length and width dimensions, as without minimum length and width you could end up with 0.1 m wide and 33.33 m long and 3 m high, to give 10 m³. <p><u>Committee:</u></p>

		<ul style="list-style-type: none"> The space needed at the work site per worker will be a function of the type of work carried on, the environment, hazards etc. Subsection (2) and (3) are removed. "Work site" is defined in s. 1 of the <i>Safety Act</i>: "work site" means a location where a worker is, or is likely to be, engaged in work, or a thing, on, in or near which a worker is, or is likely to be, engaged in work. "Total workspace", "immediate work area" are not terms used in these regulations. As subsections (2) and (3) are deleted, these terms are not a concern.
(2) Without limiting the generality of subsection (1), an employer shall ensure that there is a space of at least 10 m ³ for each worker employed at any one time at a work site.	Removed	
(3) For the purposes of subsection (2), no space that is more than 3 m from the floor and no space occupied by solid objects is to be taken into account.	Removed	
Lighting	Lighting	
80. (1) While workers are present at a work site, an employer shall provide lighting that is sufficient to protect the health and safety of workers and suitable for the work to be done at the work site.	80. (1) While workers are present at a work site, an employer shall provide lighting that is sufficient to protect the health and safety of workers and suitable for the work to be done at the work site.	
(2) An employer shall ensure that the illuminance of all parts of a work site where workers pass, is at least 50 lux.	(2) An employer shall ensure that the illuminance of all parts of a work site where workers pass, is at least 50 lux.	
(3) Where failure of the regular lighting system is likely to create conditions dangerous to the health or safety of workers, an employer shall	(3) Where failure of the regular lighting system is likely to create conditions dangerous to the health or safety of workers, an employer shall	<u>Stakeholders</u> : For how long must this light be available?

<p>provide appropriate emergency lighting of at least 50 lux for a work site and exit routes from the work site.</p>	<p>provide appropriate emergency lighting of at least 50 lux for a work site and exit routes from the work site.</p>	<p><u>Committee</u>: Length of time is specified in other legislation and quasi-legislation (e.g. Building Code, Fire Code, Electrical Code etc.). The duration of the lighting will vary depending on the nature of the work site and the equipment.</p>
<p>(4) An employer shall ensure that (a) light fixtures, windows and skylights providing light for work are, where practicable, kept clean and free from any obstruction, except for special treatment of light fixtures, windows or skylights to reduce heat or glare; and (b) artificial light sources and reflective surfaces are positioned, screened or provided with a shade, where practicable, to prevent glare or the formation of shadows that cause discomfort or a risk of accident to a worker.</p>	<p>(4) An employer shall ensure that (a) light fixtures, windows and skylights providing light for work are, where practicable, kept clean and free from any obstruction, except for special treatment of light fixtures, windows or skylights to reduce heat or glare; and (b) artificial light sources and reflective surfaces are positioned, screened or provided with a shade, where practicable, to prevent glare or the formation of shadows that cause discomfort or a risk of accident to a worker.</p>	
<p>Thermal Conditions</p>	<p>Thermal Conditions</p>	
<p>81. (1) Subject to subsection (3), at an indoor work site, an employer shall provide and maintain thermal conditions, including air temperature, radiant temperature, humidity and air movement, that (a) are appropriate to the nature of the work performed; (b) provide effective protection for the health and safety of workers; and (c) provide reasonable thermal comfort for workers.</p>	<p>81. (1) Subject to subsection (3), at an indoor work site, an employer shall provide and maintain thermal conditions, including air temperature, radiant temperature, humidity and air movement, that (a) are appropriate to the nature of the work performed; (b) provide effective protection for the health and safety of workers; and (c) provide reasonable thermal comfort for workers.</p>	<p><u>Stakeholder</u>:</p> <ul style="list-style-type: none"> • This is already covered under section dealing with wind chill. If not provide a risk table including humidity, wind speed, temperature for both hot & cold works. • ISSUE: THERMAL CONDITIONS Section 81(l)(c) requires that an employer at an indoor work site provide and maintain thermal conditions including humidity that provides reasonable thermal comfort for workers. While this requirement may be a preferable outcome for some, it is not clear what "reasonable" means and it not

		<p>clear how it might be interpreted. While section 81(3) qualifies section 81(1) (c) somewhat, it still requires an employer to "provide and maintain measures for the reasonable thermal comfort of workers. Section 81(1) (b) requires that an employer at an indoor work site provide and maintain humidity that provides effective protective for the health and safety of workers. This section would seem to be sufficient to protect the safety of workers which is the overall goal of these health and safety regulations. Stakeholder recommends that the section that requires the employer to provide and maintain thermal conditions for humidity that provides for the comfort of workers be deleted from the regulations.</p> <ul style="list-style-type: none"> • CONCERN: The proposed regulations should indicate acceptable temperature ranges or conditions for workers who work within closed areas (such as offices) and heat indexes for workers who work outside in extreme heat. This information can be referenced from Environment Canada and Canadian Center for Occupational Health and Safety. http://www.ec.gc.ca/meteo-weather/default.asp?lang'En&n'86C0425B-1#h2 http://irc.nrc-cnrc.gc.ca/pubs/ctus/64_e.html
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		<p><u>Committee:</u></p> <ul style="list-style-type: none"> • Section 41 has been removed. • Re: Windchill charts, humidity etc. - see section 41 comments. This level of detail can be put into a code of practice. • This information can be referenced from Environment Canada and Canadian Centre for Occupational Health and Safety (CCOHS). • http://www.ec.gc.ca/meteo-weather/default.asp?lang=En&n=86C0425B-1#h2 • http://irc.nrc-cnrc.gc.ca/pubs/ctus/64_e.html • definition in section 1). "Provides" remains. • "Reasonable" is a word that invokes a legal test, dependent on the facts of the case. It is not considered ambiguous. The alternative would make the provision more prescriptive, which is considered undesirable in this case. • An unreasonably humid work site might not be dangerous, but does pose a distraction to workers and that distraction could result in a dangerous working environment. Provisions are needed.
<p>(2) At an indoor work site where the thermal environment is likely to be a health or safety concern to the workers, an employer shall provide and maintain an appropriate and suitably located instrument for measuring the thermal conditions.</p>	<p>(2) At an indoor work site where the thermal environment is likely to be a health or safety concern to the workers, an employer shall provide and maintain an appropriate and suitably located instrument for measuring the thermal conditions.</p>	
<p>(3) Where it is not reasonably practicable to control thermal conditions or where work is being performed outdoors, an employer shall provide</p>	<p>(3) Where it is not reasonably practicable to control thermal conditions or where work is being performed outdoors, an employer shall</p>	

<p>and maintain measures for</p> <ul style="list-style-type: none"> (a) the effective protection of the health and safety of workers; and (b) the reasonable thermal comfort of workers. 	<p>provide and maintain measures for</p> <ul style="list-style-type: none"> (a) the effective protection of the health and safety of workers; and (b) the reasonable thermal comfort of workers. 	
<p>(4) Measures for the purposes set out in subsection (3) may include</p> <ul style="list-style-type: none"> (a) frequent monitoring of thermal conditions; (b) the provision of special or temporary equipment, including screens, shelters and temporary heating or cooling equipment; (c) the provision of suitable clothing or personal protective equipment; (d) the provision of hot or cold drinks; (e) the use of acclimatization or other physiological procedures; (f) the use of limited work schedules with rest and recovery periods, changes in workloads, changes in hours or other arrangements for work; (g) frequent observation of workers by a person who is trained to recognize the symptoms of physiological stress resulting from extreme temperatures; or (h) the provision of emergency supplies for use when travelling under extremely cold or inclement weather conditions. 	<p>Removed</p>	<p><u>Committee:</u> Section 81 is sufficient to cover all thermal conditions at the work site. These details can be put in a code of practice.</p>
<p>(5) Where a worker is required to work in thermal conditions that are different from those associated with the worker’s normal duties, an employer shall provide, and require the worker to use, suitable clothing or other personal protective</p>	<p>(4) Where a worker is required to work in thermal conditions that are different from those associated with the worker's normal duties, an employer shall provide, and require the worker to use, suitable clothing or other personal</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This could arguably be given a very liberal interpretation requiring the employer to supply & purchase all winter or summer clothing.

<p>equipment necessary to protect the health and safety of the worker.</p>	<p>protective equipment necessary to protect the health and safety of the worker.</p>	<ul style="list-style-type: none"> Section 81 indicates that an employer shall provide, and require the worker to use, suitable clothing or other personal protective equipment necessary to protect the health and safety of the worker where a worker is required to work in thermal conditions that are different from those associated with the worker's normal duties. This section could be interpreted as requiring the employer to purchase all winter and summer clothing. The wording of this section should be changed to "Where a worker is required to work in thermal conditions that are different from those associated with the worker's normal duties, an employer shall ensure that the worker uses suitable clothing or other personal protective equipment necessary to protect the health and safety of the worker." <p><u>Committee:</u></p> <ul style="list-style-type: none"> The proposed revision is related to comments concerning PPE and the subtle difference between "An employer shall provide..." and "An employer shall ensure that a worker is provided with..." (see volume 1 at item 5, Personal Protective Equipment (Section 97 - Part 7) at page 30). This provision is of limited applicability because the thermal conditions have to be different from those associated with the worker's normal duties - if the worker normally works outside in subzero temperatures, the employer is not required to provide ordinary cold-
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		<p>weather clothing. To suggest that all employers will be required to purchase all winter and summer clothing is not what this subsection says.</p> <ul style="list-style-type: none"> No change except to subsection number.
(6) Nothing in this section affects the application of section 41.	Removed	<u>Committee:</u> No longer needed with section 41 deleted.
Toilet Facilities	Toilet Facilities	
82. (1) An employer shall ensure that suitable and readily accessible toilet facilities for workers <ul style="list-style-type: none"> (a) are provided at a work site, maintained and kept clean; (b) are sufficient in number for the number of workers at the place of employment at any one time; and (c) have adequate provision for privacy, heat, light and ventilation. 	82. (1) An employer shall, to the extent that is reasonably practicable, ensure that suitable and readily accessible toilet facilities for workers <ul style="list-style-type: none"> (a) are provided at a work site, maintained and kept clean; (b) are sufficient in number for the number of workers at the work site at any one time; and (c) have adequate provision for privacy, heat, light and ventilation. 	<u>Stakeholders:</u> <ul style="list-style-type: none"> This is better dealt with in Public Health Act not the safety regulations. "An employer shall ensure that suitable and readily accessible toilet facilities for workers ..." For 1 to 10 workers there is a requirement for one toilet. Although this seems like a simple requirement how do we address this for remote (single or dual) field workers? With [this] , we suggest that it apply to new renovations or new builds only. This is a major undertaking in having to renovate and possibly expand our buildings in order to accommodate these changes. CONCERN: <ol style="list-style-type: none"> The draft regulations are silent about what to do if toilet facilities are lost for any reason, do not give a time line for sending workers home. E.g., one hour. This will become a health issue at offices and businesses. The draft regulations are silent about what to do if washing facilities are lost for any reason and do not give a time line for sending workers home if acceptable cleaning supplies are not available or provided. (e.g., sanitary
(2) Subject to subsections (3) to (5), the minimum number of toilet facilities required pursuant to subsection (1) is set out in Schedule K.	(2) Subject to subsections (3) to (5), the minimum number of toilet facilities required pursuant to subsection (1) is set out in Schedule K.	
(3) Where toilet facilities are likely to be used by persons other than workers, an employer shall ensure that for each group of fifteen or fewer persons other than workers, the toilet facilities in subsection (2) are augmented by at least one additional flush toilet.	(3) Where toilet facilities are likely to be used by persons other than workers, an employer shall provide additional toilets that is proportionate to the number set out in Schedule K and, where use by those other persons is substantial and frequent, the employer shall provide separate toilet facilities for those other persons.	
(4) Where there are more than ten workers and both male and female persons are employed at any time, an employer shall provide separate toilet facilities for workers of each sex in numbers that are proportionate to the numbers of male and female persons employed.	(4) Where there are more than ten workers and both male and female persons are employed at any time, an employer shall provide separate toilet facilities for workers of each sex in numbers that are proportionate to the numbers of male and female persons employed.	
(5) Where more than 100 male persons	(5) Where more than 100 male persons	

<p>work or are likely to work on any shift and the Chief Safety Officer is satisfied that sufficient urinal accommodations are provided, the minimum number of toilet facilities under subsection (2) may be reduced at the direction of the Chief Safety Officer.</p>	<p>work or are likely to work on any shift and the Chief Safety Officer is satisfied that sufficient urinal accommodations are provided, the minimum number of toilet facilities under subsection (2) may be reduced at the direction of the Chief Safety Officer.</p>	<p>wipes and paper towels). This will become a health issue at offices and businesses.</p>
<p>(6) An employer shall ensure that each toilet facility required by this section</p> <ul style="list-style-type: none"> (a) is used exclusively for the purposes for which the facility is designed; (b) is free from any obstacle or obstruction that could prevent the facility from being used; (c) is kept free of vermin; (d) is supplied with toilet tissue at all times and with easily cleanable, covered receptacles for waste materials; and (e) except in the case of a urinal, is equipped with an individual compartment and a door that can be locked from the inside. 	<p>(6) An employer shall ensure that each toilet facility required by this section</p> <ul style="list-style-type: none"> (a) is used exclusively for the purposes for which the facility is designed; (b) is free from any obstacle or obstruction that could prevent the facility from being used; (c) is kept free of vermin; (d) is supplied with toilet tissue at all times and with easily cleanable, covered receptacles for waste materials; and (e) except in the case of a urinal, is equipped with an individual compartment and a door that can be locked from the inside. 	<p><u>Committee:</u></p> <ul style="list-style-type: none"> • Re: retrofits. Added "to the extent that is reasonably practicable" to subsection (1) to accommodate older buildings. There are building code requirements under the <i>National Building Code</i> in respect of toilets in new buildings. • Remote work sites could be equipped with dry toilets dug into the ground or portable flush toilets. • The use of "flush toilet" in draft subsection (3) removed in this revision to avoid possible conflict with sections 21 and 22 of the General Sanitation Regulations. • If a toilet facility fails, the employer must take action to avoid being in contravention of this section. Sending home workers might be one option. So might be making available porta-potties. These matters are best left to the employer, not the regulation-making authority. Further, the <i>General Sanitation Regulations</i> and its regulations may come into play. • The <i>Public Health Act</i> and the <i>General Sanitation Regulations</i> concern public health hazards, and when coupled with work site safety legislation provide protection for both workers and the general public. • The <i>Public Health Act</i> and the <i>Safety Act</i> are good examples of complementary

		<p>legislation. Consider, for instance, restaurants, grocery stores, or hospitals. Public health inspectors inspect these places to ensure they operate in a way that avoids infection or tainted food from injuring the public. Safety officers inspect these places to ensure they are designed, and operate to prevent workers from being injured.</p> <ul style="list-style-type: none"> • Schedule K received no comments and remains unchanged.
Personal Washing	Personal Washing	
<p>83. (1) An employer shall provide and maintain for the use of workers suitable facilities for personal washing that</p> <ul style="list-style-type: none"> (a) are located near each toilet at a work site; (b) have a supply of clean hot and cold water or warm water, soap and clean towels or other suitable means of cleaning and drying; (c) have an easily cleanable, covered receptacle for waste materials; (d) are adequately heated, ventilated and lighted; and (e) are kept in a clean and neat condition. 	<p>83. (1) An employer shall provide and maintain for the use of workers suitable facilities for personal washing that</p> <ul style="list-style-type: none"> (a) are located near each toilet at a work site; (b) have a supply of clean hot and cold water or warm water, soap and clean towels or other suitable means of cleaning and drying; (c) have an easily cleanable, covered receptacle for waste materials; (d) are adequately heated, ventilated and lighted; and (e) are kept in a clean and neat condition. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Include paper towels for drying hands due to the fact that towels that have been used by several people are a poor health practice. This is better covered under the <i>Public Health Act</i>, not the safety regulations. • We suggest that [this section] apply to new renovations or new builds only. This is a major undertaking in having to renovate and possibly expand our buildings in order to accommodate these changes. • The draft regulations are silent about what to do if washing facilities are [inoperable] for any reason, and do not give a time line for sending workers home if acceptable cleaning supplies are not available or provided (e.g., sanitary wipes and paper towels). This will become a health issue at offices and businesses. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Paper towels may be preferable, but
<p>(2) Water used in personal washing under subsection (1) must be potable.</p>	<p>(2) Water used in personal washing under subsection (1) must be potable.</p>	

		<p>there is nothing wrong with clean towels or other suitable means of cleaning and drying (paper towels, hand driers etc.). If a towel is reused by several persons, it is not a clean towel; the provision as drafted accommodates that concern.</p> <ul style="list-style-type: none"> • Re: retrofits. This provision can easily be accommodated by providing a wash basin and hot and cold water etc.. There is no requirement for plumbing. This is a different situation than toilet facilities. • If a personal washing facility fails, the employer must take action to avoid being in contravention of this section.
Clothing	Clothing	
84. (1) Subject to subsection (2), an employer shall provide at a work site and maintain for the use of workers clean, appropriately located and suitable accommodation for street clothing that is not worn at work and for clothing worn at work.	84. (1) Subject to subsection (2), an employer shall provide at a work site and maintain for the use of workers clean, appropriately located and suitable accommodation for street clothing that is not worn at work and for clothing worn at work.	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Would scrubs (hospital and clinic clothing) be considered "protective clothing"? Clarity is required. • ...with [this] , we suggest that it apply to new renovations or new builds only. This is a major undertaking in having to renovate and possibly expand our buildings in order to accommodate these changes. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • "Scrubs" or medical dungarees fall under subsection (3). This type of clothing is not street clothing. • Adds subsections (4) and (5) to accommodate implementation of modifications over time if there is not an immediate danger to worker health. A five year grace period takes into account retrofitting of buildings. • Re: "offensive" - As long as there is no
(2) Where street clothing not worn at work is likely to become wet, dirty or contaminated from being kept in the same accommodation as clothing worn at work, the accommodation for street clothing must be separate from the accommodation provided for clothing worn at work.	(2) Where street clothing not worn at work is likely to become wet, dirty or contaminated from being kept in the same accommodation as clothing worn at work, the accommodation for street clothing must be separate from the accommodation provided for clothing worn at work.	
(3) Where a worker's work clothing or skin is likely to be contaminated by hazardous or offensive substances, an employer shall <ul style="list-style-type: none"> (a) provide protective clothing and head cover appropriate to the work and hazard; (b) provide a suitable changing area; and (c) ensure that the protective clothing 	(3) Where a worker's work clothing or skin is likely to be contaminated by hazardous substances, an employer shall <ul style="list-style-type: none"> (a) provide protective clothing and head cover appropriate to the work and hazard; (b) provide a suitable changing area; and (c) ensure that the protective clothing 	

<p>and head cover are handled and cleaned or disposed of in a manner that will prevent worker exposure to the hazardous or offensive substances.</p>	<p>and head cover are handled and cleaned or disposed of in a manner that will prevent worker exposure to the hazardous substances.</p>	<p>risk to the worker, the substance can be deemed safe. Contamination by hazardous substances, whether considered offensive or not, is the main concern. Therefore the word offensive is removed.</p>
	<p>(4) This section does not apply to work sites that were constructed prior to the coming into force of these regulations.</p>	
	<p>(5) This section and subsection (4) are repealed five years after the coming into force of these regulations.</p>	
<p>Change and Shower Facilities</p>	<p>Change and Shower Facilities</p>	
<p>85. Where a worker’s skin is likely to be contaminated by harmful or offensive substances as part of a regular work process at a work site, an employer shall</p> <ul style="list-style-type: none"> (a) where reasonably practicable, provide and maintain suitable, adequate and clean change and shower facilities; and (b) allow sufficient time, during normal working hours without loss of pay or benefits, for the worker to use the change and shower facilities. 	<p>85. Where a worker's skin is likely to be contaminated by harmful substances as part of a regular work process at a work site, an employer shall</p> <ul style="list-style-type: none"> (a) where reasonably practicable, provide and maintain suitable, adequate and clean change and shower facilities; and (b) allow sufficient time, during normal working hours without loss of pay or benefits, for the worker to use the change and shower facilities. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • "...Several of the General Health Requirements such as the regulations concerning Change and Shower Facilities or Eating Areas may not apply very well in a government office setting either..." • ...with [this] , we suggest that it apply to new renovations or new builds only. This is a major undertaking in having to renovate and possibly expand our buildings in order to accommodate these changes. • This refers to providing a shower and time during normal hours of work to take a shower if the workers skin likely may come in contact with hazardous materials or offensive materials. If the Employer provides coveralls, gloves etc. to protect their skin, is this still required? This needs some clarification because, for example, all Water and Sewer personnel may come in contact with offensive materials but they shouldn't as they wear protective clothing. However, the way it is worded

		<p>in the regulations, it implies that they should every day be given paid time to take a shower. Please advise on this.</p> <ul style="list-style-type: none"> Reasonably practicable does not apply here if a worker can be contaminated by a harmful substance. <p><u>Committee:</u></p> <ul style="list-style-type: none"> Section 85 only applies where "...a worker's skin is likely to be contaminated by harmful substances as part of a regular work process..." "reasonably practicable" deals with the retrofit issue and therefore it is not necessary to include a grandfathering provision. Removed "or offensive" from the part of the provision that precedes paragraph (a). "Offensive" considered too subjective a term. If an employee needs to shower and change clothes as a result of exposure to hazardous substances at a work site, the showering and changing is reasonably considered part of the person's work.
Eating Areas	Eating Areas	
86. (1) An employer shall provide sufficient, suitable areas that are kept clean, dry, thermally comfortable and reasonably quiet for workers to eat and drink during work breaks.	86. (1) An employer shall provide sufficient, suitable areas that are kept clean, dry, thermally comfortable and reasonably quiet for workers to eat and drink during work breaks.	
(2) At a work site where the substances used in the work or the work processes are dusty, dirty or otherwise likely to contaminate a worker's person, clothing or food, the employer shall provide an eating area that is separate from the work site and close to washing facilities.	(2) At a work site where the substances used in the work or the work processes are dusty, dirty or otherwise likely to contaminate a worker's person, clothing or food, the employer shall provide an eating area that is separate from the work site and close to washing facilities.	
Drinking Water	Drinking Water	

<p>87. (1) An employer shall provide, at suitable points that are readily accessible to all workers, an adequate supply of clean and safe drinking water.</p>	<p>87. (1) An employer shall provide, at suitable points that are readily accessible to all workers, an adequate supply of clean and safe drinking water.</p>	
<p>(2) Where the supply of drinking water at a work site is not piped, an employer shall</p> <ul style="list-style-type: none"> (a) provide drinking water in suitable covered containers; (b) protect the drinking water from contamination; and (c) change the drinking water as often as is necessary to ensure that it is clean and safe to drink. 	<p>(2) Where the supply of drinking water at a work site is not piped, an employer shall</p> <ul style="list-style-type: none"> (a) provide drinking water in suitable covered containers; (b) protect the drinking water from contamination; and (c) change the drinking water as often as is necessary to ensure that it is clean and safe to drink. 	
<p>(3) Except where drinking water is supplied in an upward jet, an employer shall provide an adequate supply of disposable cups near each supply of drinking water.</p>	<p>(3) Except where drinking water is supplied in an upward jet, an employer shall provide an adequate supply of clean cups near each supply of drinking water.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • [Subsection (3)] refers to providing disposable cups in every work area for drinking water. In many cases, employees use their own cups. We would propose that although the employer may need to provide drinking water, it should be up to the employee to provide their own cups as providing disposable cups can be a huge environmental waste. • This is not environmentally conscious, as it effectively removes the employer's ability to require workers to provide their own water bottles, or to provide clean non-disposable cups. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Agrees. "Disposable" changed to "clean". Disposable will still be an option for employers, where appropriate. • These regulations and the Act do not concern the environment or recycling. To consider these subjects would be

		outside of the scope of the Act.
(4) Where it is necessary to identify a supply of drinking water, an employer shall clearly indicate the supply of drinking water with a sign that says "Drinking Water" or by another visual means.	(4) Where it is necessary to identify a supply of drinking water, an employer shall clearly indicate the supply of drinking water with a sign that says "Drinking Water" or by another visual means.	
(5) Where there is a supply of water at a work site that is unfit for drinking, an employer shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.	(5) Where there is a supply of water at a work site that is unfit for drinking, an employer shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.	
Smoking	Smoking	
88. (1) An employer shall control the exposure of workers to environmental tobacco smoke at an enclosed work site.	88. (1) An employer shall, where reasonably practicable, control the exposure of workers to environmental tobacco smoke at an enclosed work site.	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Should not be required to have a smoking room at a work site. If required this also presents a health problem because of particulate left behind. • As a note that may be helpful, recall when smoking restrictions were first introduced, it was subsequently observed that the space around fresh air intakes had been overlooked in what is now section 88(2)(b). • Section 88(5) even when read with (7), essentially eliminates the ability to provide a range of health care, social services and emergency services, carried out in the homes of members of the public. • Does the roof of a building still constitute an enclosed work site - re smoking the definition leaves a little to be desired when it comes to accessible roofs. It does offer the opportunity to designate the roof a non-smoking area but this really shouldn't be necessary. If the enclosed worksite included roofs in
(2) Subject to this section, an employer shall (a) prohibit smoking in an enclosed work site; and (b) prohibit smoking outside the enclosed work site within an area inside a 3 m radius of any entrance to or exit from the enclosed work site, if that area is under the control of the employer.	(2) Subject to this section, an employer shall (a) prohibit smoking in an enclosed work site; and (b) prohibit smoking outside the enclosed work site within an area inside a 3 m radius of any entrance to or exit from the enclosed work site, if that area is under the control of the employer.	
(3) Subject to this section, a worker employed at an enclosed work site shall not smoke in any area other than where expressly permitted by an employer.	(3) Subject to this section, a worker employed at an enclosed work site shall not smoke in any area other than where expressly permitted by an employer.	

		<p>the definition it would make this clearer.</p> <ul style="list-style-type: none"> • Suggestion: the employer designated smoking areas could have a 6 m radius typical and a 3 m radius minimum with adherence to all clauses here. • There is no mention of potential fines for smoking. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • There were many comments on this section by stakeholders but it remains unchanged, except for the addition of “where reasonably practicable” in ss.(1). This is substantially the text of the current <i>Environmental Tobacco Smoke Worksite Regulations</i>, which will be repealed on the coming into force of the proposed regulations. • The health care observation reveals a difficult issue. One cannot deny medical care or other in-home services just because a person is suffering from an addiction. On the other hand the worker is being exposed to second-hand smoke or its residue. This problem is best dealt with in a code of practice, as is done in the UK, British Columbia, Ontario, Saskatchewan and Alberta. The issue also arises in hotels and other residential facilities. Subsection (1) is modified to allow exceptions in certain cases, to be elaborated upon in codes of practice. • “Enclosed” is not a defined term in the regulations, so is used in the ordinary sense of the word. If a roof is a work site and is entirely open to the elements, it is probably not an enclosed work site; if
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		<p>part or all of it is enclosed (for instance, in a building mechanical room located on a roof), it probably is an enclosed work site.</p> <ul style="list-style-type: none"> Fines are provided for in section 22 of the Act (fines of up to \$500,000 or imprisonment of up to 1 year on summary conviction). Fines may be set out in the <i>Summary Conviction Procedures Regulations</i> made under the <i>Summary Conviction Procedures Act</i>. Currently the only fines under the <i>Safety Act</i> set out in the <i>Summary Conviction Procedures Regulations</i> are in respect of the <i>Environmental Tobacco Smoke Worksite Regulations</i>, with maximum fines of \$5000.
<p>(4) An employer may permit smoking in a designated smoking structure outside an enclosed work site, within an area inside a 3 m radius of an entrance to or exit from the enclosed work site, if smoke from the structure does not come into contact with workers entering or leaving the enclosed work site.</p>	<p>(4) An employer may permit smoking in a designated smoking structure outside an enclosed work site, within an area inside a 3 m radius of an entrance to or exit from the enclosed work site, if smoke from the structure does not come into contact with workers entering or leaving the enclosed work site.</p>	<p><u>Stakeholders:</u> re: [88](4) within what radius and can the employer use ANSI?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> The intent is not to change the requirements of the <i>Environmental Tobacco Smoke Worksite Regulations</i> but to embed it in the OHS Regs. There is no indication that the 3 m radius is too generous or if it should be expanded. There is no ANSI standard, of which we are aware, for such radii. These regulations are a source of law and therefore a legal requirement. An ANSI standard is not.
<p>(5) If persons, other than workers employed at an enclosed work site, smoke and reside at the work site on a temporary or permanent basis, an employer shall not permit workers to work at the work site unless there is a designated smoking</p>	<p>(5) If persons, other than workers employed at an enclosed work site, smoke and reside at the work site on a temporary or permanent basis, an employer shall not permit workers to work at the work site unless there is a designated smoking</p>	

<p>area that</p> <ul style="list-style-type: none"> (a) is structurally separated from other areas of the enclosed work site; (b) is constructed so that smoke does not enter other areas of the enclosed work site; and (c) is clearly identified by signs or other effective means. 	<p>area that</p> <ul style="list-style-type: none"> (a) is structurally separated from other areas of the enclosed work site; (b) is constructed so that smoke does not enter other areas of the enclosed work site; and (c) is clearly identified by signs or other effective means. 	
<p>(6) If workers smoke and reside at an enclosed work site on a temporary or permanent basis, an employer shall designate a smoking area that</p> <ul style="list-style-type: none"> (a) is structurally separated from other areas of the enclosed work site, including other break areas; (b) is constructed so that smoke does not enter other areas of the enclosed work site; and (c) is clearly identified by signs or other effective means. 	<p>(6) If workers smoke and reside at an enclosed work site on a temporary or permanent basis, an employer shall designate a smoking area that</p> <ul style="list-style-type: none"> (a) is structurally separated from other areas of the enclosed work site, including other break areas; (b) is constructed so that smoke does not enter other areas of the enclosed work site; and (c) is clearly identified by signs or other effective means. 	
<p>(7) An employer shall not require a worker to enter a designated smoking structure or a designated smoking area unless</p> <ul style="list-style-type: none"> (a) entrance into the designated smoking area is required to respond to an emergency that may endanger life, health or property; (b) entrance into the designated smoking area is required to investigate for illegal activity; or (c) smoke is effectively removed from the designated smoking area before the worker enters it. 	<p>(7) An employer shall not require a worker to enter a designated smoking structure or a designated smoking area unless</p> <ul style="list-style-type: none"> (a) entrance into the designated smoking area is required to respond to an emergency that may endanger life, health or property; (b) entrance into the designated smoking area is required to investigate for illegal activity; or (c) smoke is effectively removed from the designated smoking area before the worker enters it. 	<p><u>Stakeholder</u>: What about particulate matter?</p> <p><u>Committee</u>: Paragraph (c) addresses this issue.</p>
<p>Lifting and Handling Loads</p>	<p>Lifting and Handling Loads</p>	
<p>89. (1) An employer shall ensure, where reasonably practicable, that suitable equipment is provided and used for the handling of heavy or</p>	<p>89. (1) An employer shall ensure, where reasonably practicable, that suitable equipment is provided and used for the handling of heavy or</p>	

awkward loads.	awkward loads.	
(2) Where the use of equipment is not reasonably practicable, an employer shall take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or to otherwise minimize the manual handling required.	(2) Where the use of equipment is not reasonably practicable, an employer shall take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or to otherwise minimize the manual handling required.	
(3) An employer shall ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker's health or safety.	(3) An employer shall ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker's health or safety.	<p><u>Stakeholders</u>: How does the employer make this determination; this is highly subjective.</p> <p><u>Committee</u>: An employer must identify the risk through a hazard assessment.</p>
(4) An employer shall ensure that a worker who engages in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding and carrying of those loads.	(4) An employer shall ensure that a worker who engages in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding and carrying of those loads.	
Standing	Standing	
90. (1) Where workers are required to stand for long periods in the course of their work, an employer shall provide adequate anti-fatigue mats, footrests or other suitable devices to give relief to workers.	90. (1) Where workers are required to stand for long periods in the course of their work, an employer shall provide adequate anti-fatigue mats, footrests or other suitable devices to give relief to workers.	
(2) Where wet processes are used, an employer shall ensure that reasonable drainage is maintained and that false floors, platforms, mats or other dry standing places are provided, maintained and kept clean.	(2) Where wet processes are used, an employer shall ensure that reasonable drainage is maintained and that false floors, platforms, mats or other dry standing places are provided, maintained and kept clean.	
Sitting	Sitting	
91. (1) Where a worker has reasonable opportunity for sitting without substantial detriment to his or her work, an employer shall provide and maintain appropriate seating to	91. (1) Where a worker has reasonable opportunity for sitting without substantial detriment to his or her work, an employer shall provide and maintain appropriate seating to	

enable the worker to sit.	enable the worker to sit.	
(2) An employer shall, where a substantial portion of any work can properly be done by a worker sitting, provide and maintain (a) a seat that is suitably designed, constructed, dimensioned and supported for the worker to do the work; and (b) where needed, a footrest that can readily and comfortably support the worker's feet.	(2) An employer shall, where a substantial portion of any work can properly be done by a worker sitting, provide and maintain (a) a seat that is suitably designed, constructed, dimensioned and supported for the worker to do the work; and (b) where needed, a footrest that can readily and comfortably support the worker's feet.	
Musculoskeletal Injury	Musculoskeletal Injury	
92. (1) In this section, "musculoskeletal injury" means an injury or disorder of the muscles, tendons, ligaments, nerves, joints, bones or supporting vasculature that may be caused or aggravated by any of the following: (a) repetitive movement; (b) forceful exertion; (c) vibration; (d) mechanical compression; (e) sustained or awkward posture; (f) limitation on motion or action; (g) other ergonomic stressors.	92. (1) In this section, "musculoskeletal injury" means an injury or disorder of the muscles, tendons, ligaments, nerves, joints, bones or supporting vasculature that may be caused or aggravated by any of the following: (a) repetitive movement; (b) forceful exertion; (c) vibration; (d) mechanical compression; (e) sustained or awkward posture; (f) limitation on motion or action; (g) other ergonomic stressors.	
(2) An employer shall regularly review the activities at the work site that may cause or aggravate musculoskeletal injuries, in consultation with the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers.	(2) An employer shall regularly review the activities at the work site that may cause or aggravate musculoskeletal injuries, in consultation with the Committee, representative or, where there is no Committee or representative available, the workers.	
(3) Where a risk of musculoskeletal injury is identified, an employer shall (a) inform each worker who may be at risk of developing musculoskeletal injury of that risk and of the signs	(3) Where a risk of musculoskeletal injury is identified, an employer shall (a) inform each worker who may be at risk of developing musculoskeletal injury of that risk and of the signs	<u>Stakeholders</u> : The employer and safety committee members are unlikely to have the expertise to provide advice on such issues nor the expertise to advise on applicable protective measures.

<p>and common symptoms of any musculoskeletal injury associated with that worker’s work; and</p> <p>(b) provide effective protection for each worker who may be at risk, which may include</p> <p>(i) providing equipment that is designed, constructed, positioned and maintained to reduce the harmful effects of an activity,</p> <p>(ii) implementing appropriate work practices and procedures to reduce the harmful effects of an activity, and</p> <p>(iii) implementing work schedules that incorporate rest and recovery periods, changes in workload or other arrangements for alternating work to reduce the harmful effects of an activity.</p>	<p>and common symptoms of any musculoskeletal injury associated with that worker’s work; and</p> <p>(b) provide effective protection for each worker who may be at risk, which may include</p> <p>(i) providing equipment that is designed, constructed, positioned and maintained to reduce the harmful effects of an activity,</p> <p>(ii) implementing appropriate work practices and procedures to reduce the harmful effects of an activity, and</p> <p>(iii) implementing work schedules that incorporate rest and recovery periods, changes in workload or other arrangements for alternating work to reduce the harmful effects of an activity.</p>	<p><u>Committee</u>: Worker training (including of Committee members and representatives) is important so that they can be familiar with this type of injury. A code of practice, such as is currently used in BC, can be issued which explains what these injuries are, who is at risk and what the signs are, as well as recommended work practices and procedures to avoid injuries. It is also possible to have ergonomics experts assist in identifying potential problem areas.</p>
<p>(4) An employer shall ensure that a worker who may be at risk of developing musculoskeletal injury is instructed in the safe performance of his or her work, including the use of appropriate work practices and procedures, equipment and personal protective equipment.</p>	<p>(4) An employer shall ensure that a worker who may be at risk of developing musculoskeletal injury is instructed in the safe performance of his or her work, including the use of appropriate work practices and procedures, equipment and personal protective equipment.</p>	
<p>(5) Where a worker has symptoms of musculoskeletal injury, an employer shall</p> <p>(a) advise the worker to consult a physician or a health care professional who is registered or licensed pursuant to an Act to practise any of the healing arts; and</p> <p>(b) promptly review the activities of that worker and of other workers</p>	<p>(5) Where a worker has symptoms of musculoskeletal injury, an employer shall</p> <p>(a) advise the worker to consult a medical professional who is registered or licensed pursuant to an Act to practise any of the healing arts; and</p> <p>(b) promptly review the activities of that worker and of other workers</p>	

<p>doing similar tasks to identify any cause of the symptoms and to take corrective measures to avoid further injury.</p>	<p>doing similar tasks to identify any cause of the symptoms and to take corrective measures to avoid further injury.</p>	
<p>Shift Work and Constant Effort and Exertion</p>	<p>Shift Work and Constant Effort and Exertion</p>	
<p>93. Where a worker works shifts or a worker’s work demands constant and uninterrupted mental effort or constant and uninterrupted physical exertion, an employer, in consultation with the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, shall</p> <ul style="list-style-type: none"> (a) assess the risks to the worker’s health and safety caused by the worker’s work; and (b) inform the worker of the nature and extent of the risks referred to in paragraph (a) and the ways to eliminate or reduce those risks. 	<p>93. Where a worker works shifts or a worker’s work demands constant and uninterrupted mental effort or constant and uninterrupted physical exertion, an employer, in consultation with the Committee, representative or, where there is no Committee or representative available, the workers, shall</p> <ul style="list-style-type: none"> (a) assess the risks to the worker’s health and safety caused by the worker’s work; and (b) inform the worker of the nature and extent of the risks referred to in paragraph (a) and the ways to eliminate or reduce those risks. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • We request further clarification on the meaning and purpose of this section. • This appears to set unreasonable expectations on the employer in requiring the employer to meet a standard for which no parameters are indicated. How and through what process, applying what kind of expertise, is an employer to assess this kind of risk, or identify the nature and extent of the risks? • Shift work appears to be represented here as requiring constant effort and exertion. That is not the case for this employer. Effort and exertion are distinguished by the job itself, not by whether or not the work is shift work. Shift work appears to be a non-fit within section 93. • This is a collective bargaining issue. If a shift schedule is allowed under a collective agreement the issues should not become OHS issues. There needs to be a way in the regulations to address issues covered under collective agreements, where they exist, while still protecting workers in cases where they don't exist. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This provision targets worker fatigue

		<p>from prolonged activity either through shift work or constant physical exertion or mental effort. For example, a policeman or corrections officer, or emergency room nurse, who is on shift at a constant state of high alert would fit into this category. Inattentiveness could have dangerous consequences to the workers. Hospital environments can be notorious for this, with consequences to patients (outside the scope of these regulations) and staff (within the scope of these regulations).</p> <ul style="list-style-type: none"> • No standard is described or prescribed for any work situation - every work situation will be different. Codes of practice may have a role. Shift work and long hours of constant exertion are merely treated as hazards to be assessed. It is open to the employer and Committee to identify and mitigate such risks. • Worker fatigue is an OHS matter, not a collective bargaining issue for the purposes of these regulations.
<p>Visually Demanding Tasks</p>	<p>Visually Demanding Tasks</p>	
<p>94. (1) An employer shall identify any tasks that involve a potentially harmful visual demand on a worker, in consultation with the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers.</p>	<p>94. (1) An employer shall identify any tasks that involve a potentially harmful visual demand on a worker, in consultation with the Committee or representative or, where there is no Committee or representative available, the workers.</p>	<p><u>Stakeholders:</u> Again, section 94 provides no parameters or guidance on how an employer is to identify tasks that involve a potentially harmful visual demand on a worker, the risks involved, nor guidance on how to reduce harmful visual demands. Is an employer to rely on its own layperson's opinion or knowledge? Throughout the regulations, sections place specialist assessment responsibilities on the employer. Language would benefit from an infusion of 'reasonable steps' in assessing.</p>

		<p><u>Committee</u>: This provision is aimed at eye strain. This comment is very similar to others in relation to musculoskeletal injuries and shift-related or high-exertion risks covered in s. 93. A code of practice may be useful here. As with musculoskeletal injuries there is already much information on this matter in the public domain.</p>
<p>(2) An employer shall</p> <ul style="list-style-type: none"> (a) take all practicable steps to reduce harmful visual demands on a worker; (b) inform the worker of the risk of performing those tasks; (c) advise the worker to consult a physician or an optometrist if any persistent vision impairment, disability or visual strain results from performing the tasks; (d) permit the worker to attend the consultation referred to in paragraph (c) during normal working hours without loss of pay or benefits, where a worker cannot attend the consultation during the worker's time off work; and (e) reimburse the worker for reasonable costs of the consultation referred to in paragraph (c), where a worker cannot recover the costs of the consultation. 	<p>(2) An employer shall</p> <ul style="list-style-type: none"> (a) take all practicable steps to reduce harmful visual demands on a worker; (b) inform the worker of the risk of performing those tasks; (c) advise the worker to consult a medical professional or an optometrist if any persistent vision impairment, disability or visual strain results from performing the tasks; (d) permit the worker to attend the consultation referred to in paragraph (c) during normal working hours without loss of pay or benefits, where a worker cannot attend the consultation during the worker's time off work; and (e) reimburse the worker for reasonable costs of the consultation referred to in paragraph (c), where a worker cannot recover the costs of the consultation. 	
	<p>Exposure Control Plan</p>	
<p>95. (1) In this section, "engineering controls" means physical controls or barriers that isolate or remove an infectious</p>	<p>95. (1) In this section, "engineering controls" means physical controls or barriers that isolate or remove an infectious</p>	

<p>disease hazard and include</p> <ul style="list-style-type: none"> (a) medical devices approved by Health Canada that have engineered sharps injury protections, (b) sharps disposal containers, (c) needleless systems and needles with engineered sharps injury protections as defined under subsection 473(1), and (d) other devices that isolate or remove sharps hazards; <p>"expose" means harmful contact with an infectious material or organism from inhalation, ingestion, absorption or injection;</p> <p>"exposure control plan" means an exposure control plan required pursuant to subsection (2);</p> <p>"infectious material or organism" means an infectious material or organism that has been identified in an approved manner as an infectious disease hazard that poses a significantly increased exposure risk to a worker or self-employed person.</p>	<p>disease hazard and include</p> <ul style="list-style-type: none"> (a) medical devices approved by Health Canada that have engineered sharps injury protections, (b) sharps disposal containers, (c) needleless systems and needles with engineered sharps injury protections as defined under subsection 473(1), and (d) other devices that isolate or remove sharps hazards; <p>"expose" means harmful contact with an infectious material or organism from inhalation, ingestion, absorption or injection;</p> <p>"exposure control plan" means an exposure control plan required pursuant to subsection (2);</p> <p>"infectious material or organism" means an infectious material or organism that has been identified in an approved manner as an infectious disease hazard that poses a significantly increased exposure risk to a worker or self-employed person.</p>	
<p>(2) If workers are required to handle, use or produce or be exposed to an infectious material or organism at a work site, an employer shall develop and implement an exposure control plan to eliminate or minimize worker exposure, in consultation with the Committee, occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers.</p>	<p>(2) If workers are required to handle, use or produce or be exposed to an infectious material or organism at a work site, an employer shall develop and implement an exposure control plan to eliminate or minimize worker exposure, in consultation with the Committee or representative or, where there is no Committee or-representative, the workers.</p>	
<p>(3) An exposure control plan must</p> <ul style="list-style-type: none"> (a) be in writing; (b) identify any workers at the work site 	<p>(3) An exposure control plan must</p> <ul style="list-style-type: none"> (a) be in writing; (b) identify any workers at the work site 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This is all new. A lot of this is already covered in the HIHSSA Act. Section

<p>who may be exposed;</p> <p>(c) identify categories of tasks and procedures that may put workers at risk of exposure;</p> <p>(d) describe the ways in which an infectious material or organism can enter the body of a worker and the risks associated with that entry;</p> <p>(e) describe the signs and symptoms of any disease that may arise for a worker exposed at the work site;</p> <p>(f) describe infection control measures to be used, including</p> <p>(i) vaccination,</p> <p>(ii) engineering controls,</p> <p>(iii) personal protective equipment,</p> <p>(iv) safe work practices and procedures, and</p> <p>(v) standard practices that incorporate universal precautions;</p> <p>(g) identify the limitations of the infection control measures described pursuant to paragraph (f);</p> <p>(h) set out procedures to be followed</p> <p>(i) if there has been a spill or leak of an infectious material or organism,</p> <p>(ii) if a worker has been exposed, or</p> <p>(iii) if a worker believes that he or she has been exposed;</p> <p>(i) set out the methods of cleaning, disinfecting or disposing of clothing, personal protective equipment or other equipment contaminated with an infectious material or organism that must be followed and indicate who is responsible for carrying out</p>	<p>who may be exposed;</p> <p>(c) identify categories of tasks and procedures that may put workers at risk of exposure;</p> <p>(d) describe the ways in which an infectious material or organism can enter the body of a worker and the risks associated with that entry;</p> <p>(e) describe the signs and symptoms of any disease that may arise for a worker exposed at the work site;</p> <p>(f) describe infection control measures to be used, including</p> <p>(i) vaccination,</p> <p>(ii) engineering controls,</p> <p>(iii) personal protective equipment,</p> <p>(iv) safe work practices and procedures, and</p> <p>(v) standard practices that incorporate universal precautions;</p> <p>(g) identify the limitations of the infection control measures described pursuant to paragraph (f);</p> <p>(h) set out procedures to be followed</p> <p>(i) if there has been a spill or leak of an infectious material or organism,</p> <p>(ii) if a worker has been exposed, or</p> <p>(iii) if a worker believes that he or she has been exposed;</p> <p>(i) set out the methods of cleaning, disinfecting or disposing of clothing, personal protective equipment or other equipment contaminated with an infectious material or organism that must be followed and indicate</p>	<p>95[(3)] is far too prescriptive; it should be in accordance with National Standards.</p> <ul style="list-style-type: none"> We need to clarify that this is for the broader general workforce. It's fairly prescriptive, and maybe needs to have some of that in there, but mentioning National Standards is more appropriate, [as they include] regular updates. We support something of this nature, just not with this level of detail. We need this section clarified between the drafter of the regulations and the Office of the Chief Public Health Officer; this is something we don't sanction. <p><u>Committee:</u></p> <ul style="list-style-type: none"> Standards could be adopted and should be adopted, but as codes of practice or standards and not as part of the regulations. This section applies to all work sites where infectious agents may be present that would put workers at risk (but not necessarily the general public). In addition to health care facilities, these could include dental clinics, veterinary clinics, group homes, nursing homes, shelters, correctional facilities, fire and rescue services, slaughter houses, some waste-disposal facilities, and possibly others. There is no problem, or necessary conflict, if regulations under the HIHSSAA (the <i>Hospital Insurance and Health and Social Services Administration Act</i>) require a similar kind of exposure control plan.
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<p>those activities;</p> <p>(j) describe the training to be provided to workers who may be exposed and the means by which this training will be provided;</p> <p>(k) require the investigation and documentation, in a manner that protects the confidentiality of the exposed worker, of any work-related exposure incident, including the route of exposure and the circumstances in which the exposure occurred; and</p> <p>(l) require the investigation of any occurrence of an occupationally transmitted infection or infectious disease to identify the route of exposure and implement measures to prevent further infection.</p>	<p>who is responsible for carrying out those activities;</p> <p>(j) describe the training to be provided to workers who may be exposed and the means by which this training will be provided;</p> <p>(k) require the investigation and documentation, in a manner that protects the confidentiality of the exposed worker, of any work-related exposure incident, including the route of exposure and the circumstances in which the exposure occurred; and</p> <p>(l) require the investigation of any occurrence of an occupationally transmitted infection or infectious disease to identify the route of exposure and implement measures to prevent further infection.</p>	<p>Preventing the spread of infection is a daily concern in health care facilities, but primarily for the protection of patients and only secondarily for the benefit of staff (and the facility, which needs healthy staff to be able to continue operating).</p> <ul style="list-style-type: none"> • There is a difference between measures affecting "public health", of everyone everywhere, and measures affecting "occupational health" of workers at a work site. There may be areas of overlap at times, especially if workers' health affects public health, but the cross-over is likely to be relatively rare.
<p>(4) No employer shall allow a worker to undertake any tasks or procedures referred to in paragraph (3)(c) unless the worker has been trained with respect to the exposure control plan and the use of control measures appropriate for the task or procedure undertaken.</p>	<p>(4) No employer shall allow a worker to undertake any tasks or procedures referred to in paragraph (3)(c) unless the worker has been trained with respect to the exposure control plan and the use of control measures appropriate for the task or procedure undertaken.</p>	
<p>(5) An employer shall review the adequacy of the exposure control plan and amend the plan if necessary,</p> <p>(a) at least every two years or as necessary to reflect advances in infection control measures, including engineering controls; and</p> <p>(b) in consultation with the Committee, occupational health and safety representative or, where there is no Committee or occupational health</p>	<p>(5) An employer shall review the adequacy of the exposure control plan and amend the plan if necessary,</p> <p>(a) at least every two years or as necessary to reflect advances in infection control measures, including engineering controls; and</p> <p>(b) in consultation with the Committee or representative or, where there is no Committee or representative, the workers.</p>	

<p>and safety representative, the workers.</p>		
<p>(6) An employer shall make a copy of the exposure control plan and any amendments to that plan readily available to every worker who may be exposed.</p>	<p>(6) An employer shall make a copy of the exposure control plan and any amendments to that plan readily available to every worker who may be exposed.</p>	
<p>(7) An employer shall</p> <ul style="list-style-type: none"> (a) inform workers who are required to handle, use or produce an infectious material or organism or who may be exposed at a work site <ul style="list-style-type: none"> (i) of any vaccine recommended for workers with respect to that risk in the <i>2006 Canadian Immunization Guide, Seventh Edition</i>, published by Health Canada, as amended from time to time, and recommended by <ul style="list-style-type: none"> (A) the Chief Public Health Officer or a public health officer appointed under the <i>Public Health Act</i>, or (B) a physician with expertise in immunization or the control of communicable diseases, and (ii) of the risks associated with taking a vaccine referred to in subparagraph (i); (b) with the worker’s consent, arrange for the worker to receive any vaccination recommended pursuant to subparagraph (a)(i) during the worker’s normal working hours and reimburse the worker for any costs associated with receiving the vaccination; and 	<p>(7) An employer shall</p> <ul style="list-style-type: none"> (a) inform workers who are required to handle, use or produce an infectious material or organism or who may be exposed at a work site <ul style="list-style-type: none"> (i) of any vaccine recommended for workers with respect to that risk in the <i>2006 Canadian Immunization Guide, Seventh Edition</i>, published by Health Canada, as amended from time to time, and recommended by <ul style="list-style-type: none"> (A) the Chief Public Health Officer or a public health officer appointed under the <i>Public Health Act</i>, or (B) a medical professional with expertise in immunization or the control of communicable diseases, and (ii) of the risks associated with taking a vaccine referred to in subparagraph (i); (b) with the worker’s consent, arrange for the worker to receive any vaccination recommended pursuant to subparagraph (a)(i) during the worker’s normal working hours and reimburse the worker for any costs associated with receiving the 	

<p>(c) if a worker cannot receive a vaccination referred to in subparagraph (a)(i) during the worker’s normal working hours, credit the worker’s attendance for the vaccination as time at work and ensure that the worker does not lose any pay or benefits.</p>	<p>vaccination; and (c) if a worker cannot receive a vaccination referred to in subparagraph (a)(i) during the worker’s normal working hours, credit the worker’s attendance for the vaccination as time at work and ensure that the worker does not lose any pay or benefits.</p>	
<p>(8) If a worker has been exposed to blood or potentially infectious bodily fluids at a work site, an employer shall, with the consent of the worker and during the worker’s normal working hours, arrange for immediate medical evaluation and intervention by a qualified person in an approved manner and for confidential post-exposure counselling.</p>	<p>(8) If a worker has been exposed to blood or potentially infectious bodily fluids at a work site, an employer shall, with the consent of the worker and during the worker’s normal working hours, arrange for immediate medical evaluation and intervention by a qualified person in an approved manner and for confidential post-exposure counselling.</p>	
<p>(9) If a worker cannot receive medical evaluation, medical intervention or post-exposure counselling during the worker’s normal working hours, an employer shall credit the worker’s attendance for evaluation, intervention or counselling as time at work and shall ensure that the worker does not lose any pay or benefits.</p>	<p>(9) If a worker cannot receive medical evaluation, medical intervention or post-exposure counselling during the worker’s normal working hours, an employer shall credit the worker’s attendance for evaluation, intervention or counselling as time at work and shall ensure that the worker does not lose any pay or benefits.</p>	<p><u>Stakeholders</u>: We want to have the option to wait until the end of the work day to seek medical attention omitted. <u>Committee</u>: This subsection does not state that the employer or worker has an option to wait until the end of the work day.</p>
<p>(10) Nothing in these regulations prohibits an employer from purchasing supplies in bulk together with another employer but each employer is responsible for ensuring his or her compliance with these regulations.</p>	<p>(10) Nothing in these regulations prohibits an employer from purchasing supplies in bulk together with another employer but each employer is responsible for ensuring his or her compliance with these regulations.</p>	

<p style="text-align: center;">PART 7 PERSONAL PROTECTIVE EQUIPMENT</p>	<p style="text-align: center;">PART 7 PERSONAL PROTECTIVE EQUIPMENT</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • As written, the draft regulation requires that the employer pay for most Personal Protective Equipment. Although this is a common practice in many workplaces there are scenarios where a worker will provide their own equipment. For example, in construction most workers have and maintain their own protective headwear and footwear. • It is our view that employers should have the legal duty to provide, free of charge, all necessary PPE to workers; cited as authority is ILO <i>Occupational Safety and Health Convention no. 155</i> and s. 16(3). • There are numerous terms within this extremely detailed [part] which require further definition, explanation and reference. The [part] is extremely detailed but fails to provide employers clarity in many areas. Examples include: <i>ss. 98(2)(a), 100(1), 101(1) and 103</i>; specific comments are included with those provisions <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The three bullet points are dominant themes in comments throughout Part 7. In some cases an employer is required to provide PPE at no cost to workers but in others the employer is only to ensure that PPE is provided to and used by workers. What PPE should be provided by employer and what provided by others (i.e. worker)? The second bullet point is probably unreasonable. Where specialized PPE is required that PPE
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		<p>should be provided by the employer at no cost to the worker.</p> <ul style="list-style-type: none"> • This Part is sufficiently clear.
Suitable and Adequate Equipment	Suitable and Adequate Equipment	
<p>96. (1) Where it is not reasonably practicable to protect the health and safety of workers by design of the plant and work processes, suitable work practices or administrative controls, an employer shall ensure that every worker wears or uses suitable and adequate personal protective equipment.</p>	<p>96. (1) Where it is not reasonably practicable to protect the health and safety of workers by design of the work site and work processes, suitable work practices or administrative controls, an employer shall ensure that every worker wears or uses suitable and adequate personal protective equipment.</p>	<p><u>Stakeholders:</u> Cost of supplying all personal safety equipment including boots, glasses, gloves, as well as outer wear including jackets, pants, shirts etc. This covers all sectors from transportation and construction to shipping and receiving at loading docks.</p> <p><u>Committee:</u> This section does not require an employer to provide all PPE, only to ensure that it is worn or used where necessary. The comment may be more directed at paragraph 97(1)(a). Where the employer is required to provide PPE to workers under the regulations he or she must do so at no cost to the workers. This does not mean ownership is passed to the workers. [See commentary in Digest Volume 1, part Two, at item 5, page 30.]</p> <p>Where is the employer required to provide PPE in the regulations? There are two drafting constructions used in the regulations:</p> <ol style="list-style-type: none"> a. An employer shall provide X to a worker; and b. An employer shall ensure that a worker is provided with X. <p>Variant (b) is passive, in that it does not specify who provides the worker with X. This wording is deliberate and it is left to the worker and employer to work out. In variant (a) there is a positive obligation on the employer to provide X to the worker.</p> <p>The regulations do not require an employer to</p>

		<p>supply all personal protective equipment, including boots, glasses, gloves and ordinary outer wear including jackets, pants, shirts etc. Some of these may be required to be provided under certain conditions. An employer is not generally expected to provide outer wear for workers, but will be if that outer wear is necessary PPE in certain circumstances.</p> <p>A firefighter cannot be expected to purchase a specialised breathing apparatus or fire-resistant boots. An employer is not expected to purchase boots for workers on an ordinary construction site, where workers are not at risk of exposure to hot, corrosive or toxic substances.</p> <p>These are technical regulations and there is a concern that many employers have interpreted the draft as requiring more than it does. A guideline for interpretation of this Part is crucial and should be in place, explaining how to read the provisions, prior to the coming into force of the regulations.</p>
<p>(2) Where personal protective equipment will not effectively protect a worker, an employer shall, where reasonably practicable, provide alternative work arrangements for the worker.</p>	<p>(2) Where personal protective equipment will not effectively protect a worker, an employer shall, where reasonably practicable, provide alternative work arrangements for the worker.</p>	
<p>General Responsibilities</p>	<p>General Responsibilities</p>	
<p>97. (1) Where an employer is required by these regulations or any other regulations made pursuant to the Act to provide personal protective equipment to workers, the employer shall</p> <ul style="list-style-type: none"> (a) supply approved personal protective equipment at no cost to the workers; (b) ensure that the personal protective 	<p>97. (1) Where an employer is required by these regulations or any other regulations made pursuant to the Act to provide personal protective equipment to workers, the employer shall</p> <ul style="list-style-type: none"> (a) supply approved personal protective equipment at no cost to the workers; (b) ensure that the personal protective 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • The section requires the employers to supply approved personal protective equipment at no cost to the workers where these regulations require it or any other regulations made pursuant to the Act require it. It is not clear why the regulations state that the employer has to be the one that has to supply the

<p>equipment is used by the workers;</p> <p>(c) ensure that the personal protective equipment is at the work site before work begins;</p> <p>(d) ensure that the personal protective equipment is stored in a clean, secure location that is readily accessible to workers;</p> <p>(e) ensure that each worker is aware of the location of the personal protective equipment and trained in its use;</p> <p>(f) inform the workers of the reasons why the personal protective equipment is required to be used and of the limitations of its protection; and</p> <p>(g) ensure that personal protective equipment provided to a worker</p> <p>(i) is suitable and adequate and a proper fit for that worker,</p> <p>(ii) is maintained and kept in a sanitary condition, and</p> <p>(iii) is removed from use or service when damaged.</p>	<p>equipment is used by the workers;</p> <p>(c) ensure that the personal protective equipment is at the work site before work begins;</p> <p>(d) ensure that the personal protective equipment is stored in a clean, secure location that is readily accessible to workers;</p> <p>(e) ensure that each worker is aware of the location of the personal protective equipment and trained in its use;</p> <p>(f) inform the workers of the reasons why the personal protective equipment is required to be used and of the limitations of its protection; and</p> <p>(g) ensure that personal protective equipment provided to a worker</p> <p>(i) is suitable and adequate and a proper fit for that worker,</p> <p>(ii) is maintained and kept in a sanitary condition, and</p> <p>(iii) is removed from use or service when damaged.</p>	<p>personal protective equipment. If a worker has their own approved personal protective equipment that is suitable for the worksite in question and they want to use it, it is not clear why this should be prohibited by the regulations. There may be instances where an employee has their own protective equipment that is superior to the employer's protective equipment. It does not seem to make sense to prohibit a worker from using their own protective equipment on a worksite in this situation. The rationale for the section should be provided.</p> <ul style="list-style-type: none"> • Certainly if the worker does not have the approved personal protective equipment required for the worksite the employer should supply it to them. The costs, however, that would be imposed on a contractor for large construction projects could be significant, therefore, it is suggested that this section should be reviewed and perhaps the employer should only be required to supply specialized personal protective equipment such as respirators. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The employer is in control of the work site and can refuse to allow a worker to work if the worker does not have the appropriate PPE. • A worker is required to provide his or her own bicycle helmet (s. 104), safety pants or chaps (s. 106), generally footwear except for certain exceptional cases where specialized footwear is required (s. 107), lifelines (s. 110),
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		<p>personal fall arrest system (s. 111), full body harness (s. 112), snaphooks (s. 113) and lanyard (s. 114). Again those items the employer is required to provide are exceptional items industrial head protection, an ATV helmet, protection from flying objects, molten metal or UV radiation, etc.</p> <ul style="list-style-type: none"> • The footwear provisions, i.e. specialized footwear, is a departure from ss. 41 and 42 of the current regulations but not a departure in terms of general footwear. One will find in Part II of the current regulations the general construction of "An employer shall ensure that..." meaning that the full obligation for the provision of the PPE listed is on the worker. Section 53 for instance does not require the employer to provide respiratory protection, just to ensure that the worker uses it. • For more details see first volume at item 5 PPE at page 30.
<p>(2) Where an employer requires a worker to clean and maintain personal protective equipment, the employer shall ensure that the worker has adequate time during normal working hours without loss of pay or other benefits for this purpose.</p>	<p>(2) Where an employer requires a worker to clean and maintain personal protective equipment, the employer shall ensure that the worker has adequate time during normal working hours without loss of pay or other benefits for this purpose.</p>	
<p>(3) Where reasonably practicable, an employer shall make appropriate adjustments to the work procedures and the rate of work to eliminate or reduce the danger or discomfort to the worker that may arise from the worker's use of personal protective equipment.</p>	<p>(3) Where reasonably practicable, an employer shall make appropriate adjustments to the work procedures and the rate of work to eliminate or reduce the danger or discomfort to the worker that may arise from the worker's use of personal protective equipment.</p>	<p><u>Stakeholders:</u> Should be made clear that the use of personal protective equipment is not optional and some level of discomfort may be unavoidable.</p> <p><u>Committee:</u> Use of PPE is required through these regulations. Also see section 5 of the Act. Such mention would duplicate that section.</p>

		"...eliminate or reduce discomfort" suggests that some discomfort may be unavoidable, but that the employer must make appropriate adjustments to eliminate or reduce the discomfort, where reasonably practicable.
(4) A worker who is provided with personal protective equipment by an employer shall (a) use the personal protective equipment; and (b) take reasonable steps to prevent damage to the personal protective equipment.	(4) A worker who is provided with personal protective equipment by an employer shall (a) use the personal protective equipment; and (b) take reasonable steps to prevent damage to the personal protective equipment.	
(5) Where personal protective equipment provided to a worker becomes defective or otherwise fails to provide the protection it is intended for, the worker shall (a) return the personal protective equipment to the employer; and (b) inform the employer of the defect or other reason why the personal protective equipment does not provide the protection that it was intended to provide.	(5) Where personal protective equipment provided to a worker becomes defective or otherwise fails to provide the protection it is intended for, the worker shall (a) return the personal protective equipment to the employer; and (b) inform the employer of the defect or other reason why the personal protective equipment does not provide the protection that it was intended to provide.	
(6) An employer shall immediately repair or replace any personal protective equipment returned to the employer pursuant to paragraph (5)(a).	(6) An employer shall immediately repair or replace any personal protective equipment returned to the employer pursuant to paragraph (5)(a).	
Respiratory Protective Devices	Respiratory Protective Devices	
98. (1) Where a worker is likely to be exposed to dust, fumes, gas, mist, aerosol or vapour or any airborne contaminant that may be present in any amounts that are harmful or offensive to the worker, an employer shall (a) provide an approved respiratory protective device, for use by the worker, that (i) gives suitable and adequate	98. (1) Where a worker is likely to be exposed to dust, fumes, gas, mist, aerosol or vapour or any airborne contaminant that may be present in any amounts that are harmful or offensive to the worker, an employer shall (a) provide an approved respiratory protective device, for use by the worker, that (i) gives suitable and adequate	

<p>protection to the worker from one or more airborne contaminants,</p> <ul style="list-style-type: none"> (ii) is the proper size for the worker's face, (iii) where a tight fit is essential to the proper functioning of the respiratory protective device, makes an effective seal to the facial skin of the worker, and (iv) where a tight fit is essential to ensure the worker is not exposed to one or more airborne contaminants that may pose a risk of significant harm to the worker, has been fit-tested by a competent person in an approved manner; <p>(b) ensure that the respiratory protective device is regularly cleaned and maintained in an approved manner; and</p> <p>(c) ensure that the respiratory protective device is kept, when not in use, in a convenient and sanitary location in which the respiratory protective device is not exposed to extremes of temperature or to any contaminant that may inactivate the respiratory protective device.</p>	<p>protection to the worker from one or more airborne contaminants,</p> <ul style="list-style-type: none"> (ii) is the proper size for the worker's face, (iii) where a tight fit is essential to the proper functioning of the respiratory protective device, makes an effective seal to the facial skin of the worker, and (iv) where a tight fit is essential to ensure the worker is not exposed to one or more airborne contaminants that may pose a risk of significant harm to the worker, has been fit-tested by a competent person in an approved manner; <p>(b) ensure that the respiratory protective device is regularly cleaned and maintained in an approved manner; and</p> <p>(c) ensure that the respiratory protective device is kept, when not in use, in a convenient and sanitary location in which the respiratory protective device is not exposed to extremes of temperature or to any contaminant that may inactivate the respiratory protective device.</p>	
<p>(2) If a respiratory protective device as required by subsection (1) is provided to a worker, the employer shall ensure that the worker</p> <ul style="list-style-type: none"> (a) has been trained by a competent person in the proper testing, maintenance, use and cleaning of the respiratory protective device 	<p>(2) If a respiratory protective device as required by subsection (1) is provided to a worker, the employer shall ensure that the worker</p> <ul style="list-style-type: none"> (a) has been trained by a competent person in the proper testing, maintenance, use and cleaning of the respiratory protective device 	<p><u>Stakeholders</u>: The definition of a "competent person" is completely subjective.</p> <p><u>Committee</u>: "Competent" is defined in section 1.</p>

<p>and in its limitations;</p> <p>(b) can demonstrate that he or she</p> <p>(i) understands the training provided pursuant to paragraph (a),</p> <p>(ii) can test, maintain and clean the respiratory protective device, and</p> <p>(iii) can use the respiratory protective device safely;</p> <p>(c) tests the respiratory protective device before each use;</p> <p>(d) is assessed according to an approved standard as being capable of wearing a respiratory protective device; and</p> <p>(e) is adequately informed respecting the reasons for the assessment required pursuant to paragraph (d).</p>	<p>and in its limitations;</p> <p>(b) can demonstrate that he or she</p> <p>(i) understands the training provided pursuant to paragraph (a),</p> <p>(ii) can test, maintain and clean the respiratory protective device, and</p> <p>(iii) can use the respiratory protective device safely;</p> <p>(c) tests the respiratory protective device before each use;</p> <p>(d) is assessed according to an approved standard as being capable of wearing a respiratory protective device; and</p> <p>(e) is adequately informed respecting the reasons for the assessment required pursuant to paragraph (d).</p>	
<p>(3) An employer shall ensure that the training required by paragraph (2)(a) includes practical experience by the worker in an uncontaminated environment.</p>	<p>(3) An employer shall ensure that the training required by paragraph (2)(a) includes practical experience by the worker in an uncontaminated environment.</p>	
<p>(4) Where respiratory protective devices are used only for emergency purposes, an employer shall ensure that a worker who may be required to use a respiratory protective device is given semi-annual refresher training in its safe use.</p>	<p>(4) Where respiratory protective devices are used only for emergency purposes, an employer shall ensure that a worker who may be required to use a respiratory protective device is given semi-annual refresher training in its safe use.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Is this a reasonable increase in frequency of training even if SCBs may be used once per year? • Re "semi-annual refresher training": CSA standards for fit testing require re-testing every two years. Concern was raised regarding the frequency of testing and difficulty providing testing to staff in small communities. What is the rationale for a more stringent standard being recommended compared to national standards?

		<u>Committee</u> : This is for emergency purposes. One would hope the frequency is even more than this. Fit testing is different from refresher training.
(5) An employer shall ensure that the following records are kept as long as the worker is employed by the employer and made readily available for inspection and examination by the committee or the representative, as the case may be: <ul style="list-style-type: none"> (a) records respecting fit-testing for each worker that is completed pursuant to subparagraph (1)(a)(iv); (b) records respecting the results of assessments for each worker that are completed pursuant to paragraph (2)(d); (c) records respecting training completed by each worker pursuant to subsections (2) and (3). 	(5) An employer shall ensure that the following records are kept as long as the worker is employed by the employer and made readily available for inspection and examination by the committee or the representative, as the case may be: <ul style="list-style-type: none"> (a) records respecting fit-testing for each worker that is completed pursuant to subparagraph (1)(a)(iv); (b) records respecting the results of assessments for each worker that are completed pursuant to paragraph (2)(d); (c) records respecting training completed by each worker pursuant to subsections (2) and (3). 	<u>Stakeholders</u> : This will increase record keeping requirements. <u>Committee</u> : Possibly, but good industry practices would have required such record-keeping already.
(6) An employer shall ensure that records respecting the maintenance of atmosphere supplying respirators are kept and made readily available for inspection and examination by the committee or the representative as long as that worker is employed by the employer.	(6) An employer shall ensure that records respecting the maintenance of atmosphere supplying respirators are kept and made readily available for inspection and examination by the committee or the representative as long as that worker is employed by the employer.	
(7) A worker may, at any time, inspect and examine any records kept pursuant to subsection (5) or (7) that relate to the worker.	(7) A worker may, at any time, inspect and examine any records kept pursuant to subsection (5) or (7) that relate to the worker.	
Inspection of Respiratory Protective Devices	Inspection of Respiratory Protective Devices	
99. An employer shall ensure that <ul style="list-style-type: none"> (a) any respiratory protective device for emergency use is thoroughly inspected by a competent person at least once a month and after each use; (b) the date of every inspection made pursuant to paragraph (a) and the 	99. An employer shall ensure that <ul style="list-style-type: none"> (a) any respiratory protective device for emergency use is thoroughly inspected by a competent person at least once a month and after each use; (b) the date of every inspection made pursuant to paragraph (a) and the 	<u>Stakeholders</u> : ... on increased inspections for gear only used once or twice per year. Is the once per month inspection necessary and reasonable? <u>Committee</u> : Yes. This provision is necessary and reasonable.

<p>name of the person who made the inspection are recorded and conspicuously displayed at the location where the respiratory protective device is stored; and</p> <p>(c) any defects identified during the inspection carried out pursuant to paragraph (a) are corrected immediately by a competent person or the respiratory protective device is taken out of service.</p>	<p>name of the person who made the inspection are recorded and conspicuously displayed at the location where the respiratory protective device is stored; and</p> <p>(c) any defects identified during the inspection carried out pursuant to paragraph (a) are corrected immediately by a competent person or the respiratory protective device is taken out of service.</p>	
<p>Working in Dangerous Atmospheres</p>	<p>Working in Dangerous Atmospheres</p>	
<p>100. (1) In this section, "immediately dangerous to life or health" means a condition in which a hazardous atmosphere exists to such an extent that a worker who is not using an approved respiratory protective device will suffer escape-impairing or irreversible health effects if the worker does not leave the hazardous atmosphere within 30 minutes.</p>	<p>100. (1) In this section, "immediately dangerous to life or health" means a condition in which a hazardous atmosphere exists to such an extent that a worker who is not using an approved respiratory protective device will suffer escape-impairing or irreversible health effects.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Where does an employer find such information? • Why the time period? It is a function of the atmosphere and as worded conflicts with "immediately". Suggest instead: "immediately dangerous to life or health" means a condition in which a hazardous atmosphere exists to such an extent that a worker who is not using an approved respiratory protective device will suffer escape-impairing or irreversible health effects if the worker does not leave the hazardous atmosphere immediately. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • See Schedule S and R (Contamination Limits) and Parts 21 (Biological and Chemical Substances) and 22 (WHMIS). • An employer must do a hazard assessment at a work site, and should know if such conditions exist. An employer should know what atmospheres are of this type, whether

		<p>as a result of some chemical or biological process at the work site, or if it is just paint curing in an air-tight confined space.</p> <ul style="list-style-type: none"> The 30 minute exposure limit is deleted. TLVs apply - see Schedules S and R.
<p>(2) Where a worker is required to enter an atmosphere that is immediately dangerous to life or health, an employer shall ensure that the worker is provided with and uses an approved atmosphere-supplying respirator that is</p> <p>(a) an open circuit SCBA that</p> <p>(i) operates in a pressure demand or other positive pressure mode,</p> <p>(ii) has a minimum rated capacity of 30 minutes,</p> <p>(iii) is sufficiently charged to enable the worker to perform the work safely, and</p> <p>(iv) is equipped with a low pressure warning device or an escape respirator;</p> <p>(b) an airline respirator equipped with a full facepiece that</p> <p>(i) operates in a pressure demand or other positive pressure mode, and</p> <p>(ii) has an auxiliary supply of air sufficient to allow the worker to escape in case of failure of the primary air supply equipment;</p> <p>or</p> <p>(c) a closed circuit SCBA.</p>	<p>(2) Where a worker is required to enter an atmosphere that is immediately dangerous to life or health, an employer shall ensure that the worker is provided with and uses an approved atmosphere-supplying respirator that is</p> <p>(a) an open circuit SCBA that</p> <p>(i) operates in a pressure demand or other positive pressure mode,</p> <p>(ii) has a minimum rated capacity of 30 minutes,</p> <p>(iii) is sufficiently charged to enable the worker to perform the work safely, and</p> <p>(iv) is equipped with a low pressure warning device or an escape respirator;</p> <p>(b) an airline respirator equipped with a full facepiece that</p> <p>(i) operates in a pressure demand or other positive pressure mode, and</p> <p>(ii) has an auxiliary supply of air sufficient to allow the worker to escape in case of failure of the primary air supply equipment;</p> <p>or</p> <p>(c) a closed circuit SCBA.</p>	
<p>(3) Where a worker is required to enter an atmosphere that is immediately dangerous to life or health, an employer shall ensure that</p>	<p>(3) Where a worker is required to enter an atmosphere that is immediately dangerous to life or health, an employer shall ensure that</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> This [subsection] leaves too many requirements undefined. The regulation

<p>(a) a second worker, suitably equipped and trained, is present and in communication with the worker at all times; and</p> <p>(b) suitably equipped personnel who are trained in rescue procedures and are fully informed of the hazards are readily available to rescue the endangered worker immediately if the worker's atmosphere-supplying respirator fails or the worker becomes incapacitated for any other reason.</p>	<p>(a) a second worker, suitably equipped and trained, is present and in communication with the worker at all times; and</p> <p>(b) suitably equipped personnel who are trained in rescue procedures and are fully informed of the hazards are readily available to rescue the endangered worker immediately if the worker's atmosphere-supplying respirator fails or the worker becomes incapacitated for any other reason.</p>	<p>needs to adopt a standard such as the NFPA 1971 to better define and explain the requirements.</p> <ul style="list-style-type: none"> • Re (3)(a): "a second worker, suitably equipped and trained, is present and in communication with the worker at all times": this re-establishes the standard of two person minimum staffing for emergency responders at all times. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Any standards will be adopted in a code of practice, as per section 18 of the <i>Safety Act</i>. The applicable standards can be determined by stakeholders and the CSO. • - With respect to the comment on the sentry requirement, this is already a requirement under s. 55(3) of the current GSRs.
<p>(4) An employer shall ensure that compressed air in an atmosphere-supplying respirator used by a worker in an atmosphere that is immediately dangerous to the worker's life or health meets approved purity requirements.</p>	<p>(4) An employer shall ensure that compressed air in an atmosphere-supplying respirator used by a worker in an atmosphere that is immediately dangerous to the worker's life or health meets approved purity requirements.</p>	
<p>Head Protection</p>	<p>Head Protection</p>	
<p>101. (1) Where there is a risk of injury to the head of a worker, an employer shall provide approved industrial head protection and require a worker to use it.</p>	<p>101. (1) Where there is a risk of injury to the head of a worker, an employer shall ensure that the worker is provided with approved industrial head protection and require the worker to use it.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • No cost to the employee should be a contractual matter; there are all kinds of PPE in all kinds of industries let the market decide. • Is this intended to apply to any and all construction, including roadwork and renovations etc.? • Define, "Where there is a risk of injury to the head of a worker ..."

		<p><u>Committee:</u></p> <ul style="list-style-type: none"> • This section is redrafted, as we agree with concerns raised for this particular type of PPE. Usually hard hats are not provided by the employer. • While the employer is not required to provide hard hats, the employer is still required to ensure that the workers are provided with them and use them. • The answer as to when head protection is required depends on whether there is a risk of head injury. If there is no risk of head injury at a work site, then head protection is not required. • It is up to the employer, workers, Committee, representative etc. to identify if there is a risk of injury to the head of a worker. The determination will be based on many factors (type of work, nature of risk, accident history etc.).
<p>(2) Where a worker may contact an exposed energized electrical conductor, an employer shall provide, and require the worker to use, approved industrial head protection that is of adequate dielectric strength to protect the worker.</p>	<p>(2) Where a worker may contact an exposed energized electrical conductor, an employer shall provide, and require the worker to use, approved industrial head protection that is of adequate dielectric strength to protect the worker.</p>	<p><u>Committee:</u> This is a type of specialised PPE that and employer should provide at no cost to workers. It would be unreasonable to expect a worker to pay for this.</p>
<p>(3) Where a worker is required by these regulations to use industrial head protection, an employer shall provide the worker with</p> <ul style="list-style-type: none"> (a) a suitable liner where it is necessary to protect the worker from cold conditions; and (b) a retention system to secure the industrial head protection firmly to the worker’s head where the worker 	<p>(3) Where a worker is required by these regulations to use industrial head protection, an employer shall ensure that the worker is provided with</p> <ul style="list-style-type: none"> (a) a suitable liner where it is necessary to protect the worker from cold conditions; and (b) a retention system to secure the industrial head protection firmly to 	

<p>is likely to work in conditions that may cause the head protection to dislodge.</p>	<p>the worker's head where the worker is likely to work in conditions that may cause the head protection to dislodge.</p>	
<p>(4) An employer shall ensure that any industrial head protection provided to a worker pursuant to these regulations is fluorescent orange or some other high visibility colour if visibility of the worker is necessary to protect the health and safety of the worker.</p>	<p>(4) An employer shall ensure that any industrial head protection provided to a worker pursuant to these regulations is fluorescent orange or some other high visibility colour if visibility of the worker is necessary to protect the health and safety of the worker.</p>	<p><u>Stakeholders:</u> This should be left at the option of the employer and must accord with the Flaggers handbook for the NT.</p> <p><u>Committee:</u> The comment relates to designated signallers, who are dealt with specifically at section 147.</p>
<p>(5) An employer shall not require or permit a worker to use any industrial head protection that</p> <ul style="list-style-type: none"> (a) is damaged or structurally modified; (b) has been subjected to severe impact; or (c) has been painted or has been cleaned with solvents. 	<p>(5) An employer shall not require or permit a worker to use any industrial head protection that</p> <ul style="list-style-type: none"> (a) is damaged or structurally modified; (b) has been subjected to severe impact; or (c) has been painted or has been cleaned with solvents. 	
<p>Workers Using All-terrain Vehicles</p>	<p>Workers Using All-terrain Vehicles</p>	
<p>102. (1) In this section,</p> <p>"all-terrain vehicle" means an all-terrain vehicle as defined in the <i>All-terrain Vehicles Act</i>;</p> <p>"towed conveyance" means any sled, cutter, trailer, toboggan or carrier that may be towed by an all-terrain vehicle.</p>	<p>102. (1) In this section,</p> <p>"all-terrain vehicle" means an all-terrain vehicle as defined in the <i>All-terrain Vehicles Act</i>;</p> <p>"towed conveyance" means any sled, cutter, trailer, toboggan or carrier that may be towed by an all-terrain vehicle.</p>	<p><u>Stakeholders:</u> Why repeat the definition of ATV?</p> <p><u>Committee:</u> ATV is defined using the reference to this other Act. It is incorporated by reference.</p>
<p>(2) An employer shall ensure that every worker who is required or permitted to travel in or on an all-terrain vehicle or a towed conveyance is provided with and required to use</p> <ul style="list-style-type: none"> (a) approved head protection; and (b) approved eye or face protectors if the all-terrain vehicle or towed conveyance does not have an enclosed cab. 	<p>(2) An employer shall ensure that every worker who is required or permitted to travel in or on an all-terrain vehicle or a towed conveyance is provided with and required to use</p> <ul style="list-style-type: none"> (a) approved head protection; and (b) approved eye or face protectors if the all-terrain vehicle or towed conveyance does not have an enclosed cab. 	<p><u>Stakeholders:</u> What about other modes of transport? (also applicable to subsections (2)-(4)).</p> <p><u>Committee:</u> ATV is a defined term that includes snowmobiles, sleds, quads and hovercraft.</p>

<p>(3) Subsection (2) does not apply where</p> <p>(a) the all-terrain vehicle is equipped with roll-over protective structures and enclosed by a cab that is an integral part of the vehicle; and</p> <p>(b) the worker is provided with a seat belt secured to the all-terrain vehicle and is required to use it.</p>	<p>(3) Subsection (2) does not apply where</p> <p>(a) the all-terrain vehicle is equipped with roll-over protective structures and enclosed by a cab that is an integral part of the vehicle; and</p> <p>(b) the worker is provided with a seat belt secured to the all-terrain vehicle and is required to use it.</p>	
<p>(4) Where a worker is required by these regulations to use head protection while working in cold conditions, the head protection must be equipped with a suitable liner and a cold weather face guard.</p>	<p>(4) Where a worker is required by these regulations to use head protection while working in cold conditions, the head protection must be equipped with a suitable liner and a cold weather face guard.</p>	
<p>Workers Using Bicycles</p>	<p>Workers Using Bicycles</p>	
<p>103. An employer shall ensure that every worker who is required or permitted to travel on a bicycle, is provided with and required to use approved head protection.</p>	<p>103. An employer shall ensure that every worker who is required or permitted to travel on a bicycle is provided with and required to use approved head protection.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Should also use reflective vest so that it increase visibility on the road ways. And require that vest meets current CSA standards. • If using a bicycle on a work site, is the worker required to wear an approved bicycle helmet, or an approved construction helmet? (trivial but needs clarification) <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Visibility vests are covered under s. 148. • Bicycle helmets and construction helmets are designed and built for different purposes, and are not interchangeable.
<p>Eye and Face Protectors</p>	<p>Eye and Face Protectors</p>	
<p>104. (1) Where there is a risk of irritation or injury to the face or eyes of a worker from flying objects or particles, splashing liquids, molten metal or ultraviolet, visible or infrared radiation, an employer shall provide and require the worker</p>	<p>104. (1) Where there is a risk of irritation or injury to the face or eyes of a worker from flying objects or particles, splashing liquids, molten metal or ultraviolet, visible or infrared radiation, an employer shall provide and require the worker</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • A section should be added directing employers to regularly test eye protection whenever new chemicals or substances are used to ensure safety is

<p>to use an approved industrial eye or approved industrial face protector.</p>	<p>to use an approved industrial eye or approved industrial face protector.</p>	<p>not compromised.</p> <ul style="list-style-type: none"> • There is no section on eye wash stations or CSA approvals of protective eyewear. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Testing of approved equipment is done by the agency that approved the equipment. This is a supplier responsibility but the employer is also responsible to ensure the appropriate PPE is available and that it is in good repair. • Eye flush stations are dealt with under section 331.
<p>(2) An employer shall take all reasonable steps to ensure that a worker does not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using an approved industrial eye protector or is protected from the radiation by an approved screen.</p>	<p>(2) An employer shall take all reasonable steps to ensure that a worker does not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using an approved industrial eye protector or is protected from the radiation by an approved screen.</p>	
<p>(3) A worker shall not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using an approved industrial eye protector or is protected from the radiation by an approved screen.</p>	<p>(3) A worker shall not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using an approved industrial eye protector or is protected from the radiation by an approved screen.</p>	
<p>(4) Where an industrial eye or face protector is required by these regulations to be provided or used, a worker shall not wear any contact lens.</p>	<p>(4) Where an industrial eye or face protector is required by these regulations to be provided or used, a worker shall not wear any contact lens.</p>	
<p>Skin Protection</p>	<p>Skin Protection</p>	
<p>105. (1) Where there is a risk of injury to the skin of a worker from sparks, molten metal or radiation, an employer shall provide, and require the worker to use, approved protective clothing or covers or any other safeguard that provides</p>	<p>105. (1) Where there is a risk of injury to the skin of a worker from sparks, molten metal or radiation, an employer shall ensure that the worker is provided with and require the worker to use, approved protective clothing or covers or</p>	<p><u>Stakeholders:</u> Should include risk of sunburn and insect protection as well.</p> <p><u>Committee:</u> This hazard stems from sparks, molten metal or radiation. Radiation in this</p>

<p>equivalent protection for the worker.</p>	<p>any other safeguard that provides equivalent protection for the worker.</p>	<p>context means UV from arc-welding. The concerns in the comment should be addressed in the hazard assessment.</p>
<p>(2) Where there is a risk of injury to the skin of a worker from fire or explosion, an employer shall provide the worker with, and require the worker to use, approved fire resistant clothing that</p> <p>(a) meets an approved industry standard; and</p> <p>(b) is appropriate to the risk.</p>	<p>(2) Where there is a risk of injury to the skin of a worker from fire or explosion, an employer shall provide the worker with, and require the worker to use, approved fire resistant clothing that</p> <p>(a) meets an approved industry standard; and</p> <p>(b) is appropriate to the risk.</p>	
<p>(3) Where there is a risk of injury to the skin of an electrical worker from arc flash, an employer shall provide the electrical worker with, and require the electrical worker to use approved flash protection.</p>	<p>(3) Where there is a risk of injury to the skin of an electrical worker from arc flash, an employer shall provide the electrical worker with, and require the electrical worker to use approved flash protection.</p>	<p><u>Stakeholders:</u> Should include reference and guidelines for the new arc flash provisions; these regulations require the use of a lifeline.</p> <p><u>Committee:</u> A code of practice would indicate types of approved flash protection; other codes would deal with other required equipment. In many instances, workers will be required to use different types of PPE, to deal with different hazards, at the same time.</p>
<p>Lower Body Protection</p>	<p>Lower Body Protection</p>	
<p>106. (1) Where a worker is at risk of a cut, puncture, irritation or abrasion to his or her lower body, an employer shall ensure that the worker uses safety pants or chaps that are appropriate for the work being performed.</p>	<p>106. Where a worker is at risk of a cut, puncture, irritation or abrasion to his or her lower body, an employer shall ensure that the worker uses safety pants or chaps that are appropriate for the work being performed.</p>	<p><u>Stakeholders:</u> The regulation lists one activity [use of a chain saw]: is this practical to list only one, or is this better defined in the "interpretation" section? There is inconsistency in how these types of explanations are placed throughout the document. Should they [all] be in the Interpretations section, or are they better [placed] in the sections to which they refer?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The intent of this comment is not entirely clear. Section 106 states a specific type of risk and specific PPE that affected workers must use. • Interpretation sections in legislation

		<p>generally state definitions. Terms used throughout an Act or regulations, or at least in multiple parts, are defined in “global” definitions, at the beginning of the entire document; terms used in only one section or Part of the document are defined in that section or Part. Terms are only “defined” in legislation if they are used in some way that differs from the ordinary meaning of the term outside of a legislative context. In the present section, no terms are used in other than their ordinary sense.</p> <ul style="list-style-type: none"> • There are an infinite number of tools that create a risk of cut, puncture, irritation or abrasion. Subsection (2) is removed as it might be interpreted as limiting the first subsection.
(2) A worker operating a chain saw is deemed to be exposed to the risk described in subsection (1).	Removed	
Footwear	Footwear	
107. (1) Subject to this section, an employer shall ensure that <ul style="list-style-type: none"> (a) a worker uses footwear that is appropriate to the risks associated with the work site and the worker’s work; and (b) a worker who may be at risk from a heavy or falling object or who may tread on a sharp object uses approved protective footwear. 	107. (1) Subject to this section, an employer shall ensure that <ul style="list-style-type: none"> (a) a worker uses footwear that is appropriate to the risks associated with the work site and the worker’s work; and (b) a worker who may be at risk from a heavy or falling object or who may tread on a sharp object uses approved protective footwear. 	<p><u>Stakeholders:</u> Must adopt a standard, CSA or otherwise, to define appropriately.</p> <p><u>Committee:</u> For information on codes of practice, standards and codes see page 10 and also the comments associated with section 5.</p>
(3) An employer shall <ul style="list-style-type: none"> (a) provide outer foot guards if there is substantial risk of a crushing injury to the foot of a worker; and (b) provide approved protective 	(2) An employer shall <ul style="list-style-type: none"> (a) provide outer foot guards if there is substantial risk of a crushing injury to the foot of a worker; and (b) provide approved protective 	

footwear if the feet of a worker may be endangered by hot, corrosive or toxic substances.	footwear if the feet of a worker may be endangered by hot, corrosive or toxic substances.	
Hand and Arm Protection	Hand and Arm Protection	
108. (1) An employer shall provide, and require a worker to use, suitable and properly fitted hand or arm protection to protect the worker from injury to the hand or arm, including (a) injury arising from contact with chemical biological substances; (b) injury arising from exposure to work processes that result in extreme temperatures; (c) injury arising from prolonged exposure to water; and (d) puncture, abrasion or irritation of the skin.	108. (1) An employer shall provide, and require a worker to use, suitable and properly fitted hand or arm protection to protect the worker from injury to the hand or arm, including (a) injury arising from contact with chemical biological substances; (b) injury arising from exposure to work processes that result in extreme temperatures; (c) injury arising from prolonged exposure to water; and (d) puncture, abrasion or irritation of the skin.	
(2) Where a worker may contact an exposed energized high voltage electrical conductor, an employer shall provide, and require the worker to use, approved rubber insulating gloves and mitts and approved rubber insulating sleeves.	(2) Where a worker may contact an exposed energized high voltage electrical conductor, an employer shall provide, and require the worker to use, approved rubber insulating gloves and mitts and approved rubber insulating sleeves.	
Exposure to Hazardous Substances	Exposure to Hazardous Substances	
109. Where workers are routinely exposed to a hazardous material or substance, an employer shall provide, and require workers to use, protective clothing, gloves and eye wear or face shields that are adequate to prevent exposure of a worker's skin and mucous membranes to the hazardous material or substance.	109. Where workers are routinely exposed to a hazardous substance, an employer shall provide, and require workers to use, protective clothing, gloves and eye wear or face shields that are adequate to prevent exposure of a worker's skin and mucous membranes to the hazardous substance.	<u>Stakeholders:</u> Our employees are routinely exposed to hazardous substances in the form of body fluids such as (blood, vomit, spit, and faeces). [We have] very sound guidelines requiring the employees to wear protective clothing, gloves, and eye protection to protect the employee's skin and mucous membranes. The concern is employees do not automatically wear eye protection, [but only if] they feel it is required, after assessing the scene; for the most part this works fine. However, there are occasions when an employee could make the decision that eye protection is not needed based

		<p>on scene assessment, and then the patient throws his/her blood or spits on the attendant that had no eye protection. The way this regulation is written, it is the employer’s responsibility to ensure the employees wear the proper protection. In order to protect the employer and the employee, we would have to require each employee to wear eye protection before assessing the scene and during every medical emergency, i.e. write into our guidelines that they must wear eye protection prior to and during every medical response. This could be very cumbersome for attendants. Would it be acceptable for an employer to write into its guidelines that an employee will wear eye protection when they see the potential of hazardous substances getting into their mucous membranes? Could WSCC provide [us] with information that other jurisdictions might be using so [we] have some sort of template to work from for Exposure to Hazardous Substances?</p> <p><u>Committee:</u> This provision requires an employer to both provide this PPE, and workers use it. There should be standing orders or SOPs to workers identifying when this PPE is to be used. Simply assessing a scene is unlikely to involve a risk of exposure. Being more involved may be a different matter. The use of PPE will be required depending upon the circumstances.</p>
<p>Lifelines</p>	<p>Lifelines</p>	
<p>110. (1) Unless otherwise specifically provided, where these regulations require the use of a lifeline, an employer shall ensure that the lifeline (a) is suitable for the conditions in which the lifeline is to be used, having regard to factors including</p>	<p>110. (1) Unless otherwise specifically provided, an employer shall ensure that a lifeline (a) is suitable for the conditions in which the lifeline is to be used, having regard to factors including strength, abrasion resistance,</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • [What is the] basis for the load references? • Re: ss. 110(1)(f), 111(2)(d) and 131(4) You designated that fall arrest anchors must have a strength of 22.2 kN ONLY:

<p>strength, abrasion resistance, extensibility and chemical stability;</p> <p>(b) is made of wire rope or synthetic material;</p> <p>(c) is free of imperfections, knots and splices, other than end terminations;</p> <p>(d) is protected by padding where the lifeline passes over sharp edges;</p> <p>(e) is protected from heat, flame or abrasive or corrosive materials during use;</p> <p>(f) is fastened to a secure anchor point that</p> <p>(i) has a breaking strength of at least 22.2 kN, and</p> <p>(ii) is not used to suspend any platform or other load; and</p> <p>(g) is maintained according to manufacturer's recommendations.</p>	<p>extensibility and chemical stability;</p> <p>(b) is made of wire rope or synthetic material;</p> <p>(c) is free of imperfections, knots and splices, other than end terminations;</p> <p>(d) is protected by padding where the lifeline passes over sharp edges;</p> <p>(e) is protected from heat, flame or abrasive or corrosive materials during use;</p> <p>(f) is fastened to a secure anchor point that</p> <p>(i) has a breaking strength of at least 22.2 kN, and</p> <p>(ii) is not used to suspend any platform or other load; and</p> <p>(g) is maintained according to manufacturer's recommendations.</p>	<p>most regulators in North America now specify a minimum anchorage strength as you have, but with latitude for a professional engineer to certify a lower strength anchorage for use in fall arrest provided there is a strength factor of safety of at least 2. Please consider that:</p> <ul style="list-style-type: none"> - it is often difficult to find such a strong anchorage on many structures, particularly wood roofs; - fall protection equipment can be specified, purchased and used in ways that guarantee that the peak impact force will be less than 4kN-6kN (the two most common deployment forces for CSA certified personal energy absorbers (PEAs) noting that ANSI Z259.13 equipment is not precluded by your regulations and now allows 8 kN for all its PEAs); - many components and systems certified to CSA standards or in common use in the industry have breaking strengths of only 16 kN (e.g. self-retracting lifelines, davit arms) with no reported failures; - there is no need for such a large anchorage strength using modern fall protection equipment (22.2 kN was necessary 30 years ago before we had common use of PEAs); - AB has recently made PEA use mandatory and has lowered the
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		<p>mandatory strength to 16 kN which provides a factor of safety of 2 on the worst-case impact. Alberta also allows engineering of anchorage strengths in accordance with CSA Z259.16 standard (which effectively provides a factor of safety of 2).</p> <ul style="list-style-type: none"> • Must meet CSA standards; Regulations should also include the option of rail systems as alternative to lifelines. [Our] experience is that rail systems provide effective fall restraint, often more effective than life lines. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Load references here are from Saskatchewan OHS Regulations. These references are harmonized in other jurisdictions in Canada and the USA. There is an attempt at North American harmonization of these technical points. • The type of rail systems mentioned still incorporate anchorage points. Information concerning such systems could be included in a code of practice.
<p>(2) Unless otherwise specifically provided, an employer shall ensure that there is a lifeline that meets the requirements of this section for every worker.</p>	<p>(2) Unless otherwise specifically provided, an employer shall ensure that there is a lifeline that meets the requirements of this section for every worker.</p>	
<p>(3) Unless otherwise specifically provided, an employer shall ensure that a vertical lifeline required by these regulations has a minimum diameter of</p> <p>(a) 12 mm if the lifeline is made of</p>	<p>(3) Unless otherwise specifically provided, an employer shall ensure that a vertical lifeline required by these regulations has a minimum diameter of</p> <p>(a) 12 mm if the lifeline is made of</p>	

<p>nylon; (b) 15 mm if the lifeline is made of polypropylene; or (c) 8 mm if the lifeline is made of wire rope.</p>	<p>nylon; (b) 15 mm if the lifeline is made of polypropylene; or (c) 8 mm if the lifeline is made of wire rope.</p>	
<p>(4) An employer shall ensure that where a vertical lifeline is used (a) the lower end extends to the ground or to a safe landing; and (b) the lifeline is protected at the lower end to ensure that the line cannot be fouled by any equipment.</p>	<p>(4) An employer shall ensure that where a vertical lifeline is used (a) the lower end extends to the ground or to a safe landing; and (b) the lifeline is protected at the lower end to ensure that the line cannot be fouled by any equipment.</p>	
<p>(5) Unless otherwise specifically provided, an employer shall ensure that a horizontal lifeline is (a) either (i) designed and certified as safe by a professional engineer, or (ii) manufactured to an approved standard; and (b) installed and used in accordance with the design or standard referred to in paragraph (a) and the manufacturer’s recommendations.</p>	<p>(5) Unless otherwise specifically provided, an employer shall ensure that a horizontal lifeline is (a) either (i) designed and certified as safe by a professional engineer, or (ii) manufactured to an approved standard; and (b) installed and used in accordance with the design or standard referred to in paragraph (a) and the manufacturer’s recommendations.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Engineers must be familiar with the work they are certifying. • Why limit this to horizontal, and not also to a vertical lifeline? • Suggest reference to appropriate CSA standard in paragraph (a). <p><u>Committee:</u></p> <ul style="list-style-type: none"> • A professional engineer has to be familiar with the work he or she certifies. Were it otherwise the law of professional responsibility would apply. • A horizontal lifeline appears to be specialized equipment, and the load is distributed differently than on the anchor points of a vertical lifeline. There are different forces and materials involved. • Standards will be adopted and issued by the CSO in accordance with s. 18 of the Act.
<p>Personal Fall Arrest System</p>	<p>Personal Fall Arrest System</p>	
<p>111. (1) An employer shall ensure that a personal fall arrest system and connecting linkage required</p>	<p>111. (1) An employer shall ensure that a personal fall arrest system and connecting</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Approved by whom?

<p>by these regulations is approved and maintained.</p>	<p>linkage required by these regulations are approved and maintained.</p>	<ul style="list-style-type: none"> • Should reference the current CSA standard of at least 22.2 kN. <p><u>Committee:</u> "Approved" is a defined term approved either by an agency acceptable to the CSO or the CSO. Where the CSA has a standard on an item required under the regulations, it would normally be an approved agency. Such a system could also be approved by the CSO if certified by a professional engineer.</p> <p><u>Stakeholders:</u> [Moved from ss. 117] This is missing the ability to use Fall Restrict equipment which is the only method used for wood pole climbing in the utility industry. See s. 149(1) of the A OHS Code:</p> <p>149 (1) An employer must ensure that a worker working on or from a wood pole uses fall restrict equipment that is approved to CSA Standard Z259.14-01, Fall Restrict Equipment for Wood Pole Climbing, in combination with</p> <ul style="list-style-type: none"> (a) a lineman’s body belt that <ul style="list-style-type: none"> (i) is approved to CSA Standard Z259.3-M1978 (R2003), Lineman’s Body Belt and Lineman’s Safety Strap, or (ii) complies with section 142.1, or (b) a full body harness that complies with subsection 142(1). <p><u>Committee:</u> The stakeholders will be able to assist the CSO in approving standards (see section 5). This CSA Z259.14-01 and CSA Z259.3-M1978 (R2003) could be recommended for approval and</p>
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		<p>adoption and mention in the codes of practice. For information on codes of practice, standards and codes see page 10 and also the comments associated with section 5</p>
<p>(2) An employer shall ensure that a personal fall arrest system required by these regulations</p> <ul style="list-style-type: none"> (a) prevents a worker from falling more than 1.2 m, without the use of a shock absorber; (b) where a shock absorber is used, prevents a worker from falling more than 2 m or the limit specified in the manufacturer's specifications whichever is less; (c) applies a peak fall arrest force not greater than 8 kN to a worker; and (d) is fastened to a lifeline or to a secure anchor point that has a breaking strength of at least 22.2 kN. 	<p>(2) An employer shall ensure that a personal fall arrest system required by these regulations</p> <ul style="list-style-type: none"> (a) prevents a worker from falling more than 1.2 m without the use of a shock absorber; (b) where a shock absorber is used, prevents a worker from falling more than 2 m or the limit specified in the manufacturer's specifications whichever is less; (c) applies a peak fall arrest force not greater than 8 kN to a worker; and (d) is fastened to a lifeline or to a secure anchor point that has a breaking strength of 22.2 kN. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • The new regulations do not state how far a personal fall arrest system shall stop a worker above the ground, and no reference is made to CSA Z259.16.04. While CSA Z259.16.04 does provide a formula, the minimum height "shall not be less than 0.6 m". • Suggestion: include the distance in the regulations since you do not plan on referencing standards. Suggest it goes in s.111. • Intent of the distance of 1.2 m in Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, PEI, Nova Scotia, Newfoundland and Labrador, Yukon and current NT [legislation] is for "free fall distance", not total falling distance as stated. • Suggestion: Review and edit regulations. • Recommends that this section needs to ensure that a worker will be stopped 2' (610mm) from either hitting the ground or hitting the next lower roof. Otherwise they could be seriously injured or killed. Suggestion: Add a new subsection (e) to this section. Full body harness and all linkages must comply with CSA standard, and it [does not require] proof test [of] 22kN ultimate tensile strength the proof test is 11 kN or 16 kN,

		<p>depending on the standard.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> Standards will be referenced in the code of practice. The draft is modelled on Saskatchewan OHS Regs and this provision in particular is based verbatim on s. 102 Saskatchewan OHS Regs. This section has to be read, in part, along with section 128, which determines what type of fall protection system is required in different circumstances What is not desired is that all the braking force is applied at once. As soon as any braking force is applied, the fall is no longer free fall. Breaking strength is the term to be used here. Tensile strength (or ultimate tensile strength) refers to metals (i.e. wire rope).
Full Body Harness	Full Body Harness	
<p>112.Where a full body harness is required by these regulations for the use of a worker, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the full body harness and connecting linkage are approved and maintained; (b) the full body harness is properly fitted to the worker; (c) the worker is trained in the safe use of the full body harness; (d) all metal parts of the full body harness and connecting linkage are of drop-forged steel 22 kN proof tested; (e) a protective thimble is used to 	<p>112.Where a full body harness is required by these regulations for the use of a worker, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the full body harness and connecting linkage are approved and maintained; (b) the full body harness is properly fitted to the worker; (c) the worker is trained in the safe use of the full body harness; (d) all metal parts of the full body harness and connecting linkage are of drop-forged steel 22 kN proof tested; (e) a protective thimble is used to 	<p><u>Stakeholders:</u> Approved by whom?</p> <p><u>Committee:</u> "Approved" is a defined term approved either by an agency acceptable to the CSO or the CSO.</p> <p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> You place an absolute 2 m limit on free fall [with a personal fall arrest system] (s. 111(2)(b)), and 1.2 m in a full body harness (s. 112(f)), which effectively takes you back to your existing regulations now that the best practice is to use a full body harness. While this is an improvement on the current

<p>protect ropes or straps from chafing whenever a rope or strap is connected to an eye or a D-ring used in the full body harness or connecting linkage; and</p> <p>(f) the connecting linkage is attached to a personal fall arrest system, lifeline or secure anchor point to prevent the worker from fall more than 1.2 m.</p>	<p>protect ropes or straps from chafing whenever a rope or strap is connected to an eye or a D-ring used in the full body harness or connecting linkage; and</p> <p>(f) the connecting linkage is attached to a personal fall arrest system, lifeline or secure anchor point to prevent the worker from fall more than 1.2 m.</p>	<p>regulations (max free fall is 1.2 m ONLY), it is often not practical to limit free fall to 2 m unless the anchorage is near or above the worker’s shoulders when the worker is using a standard lanyard.</p> <ul style="list-style-type: none"> • In my own experience nearly 30 years ago while in the employ of a railway, I was part of a team that recommended that railway bridge workers connect to the rail at their feet (there is nothing higher available on a railway bridge). <p>Our proposal would have made a 3.5m free fall possible. We were under the COSH regulations which limited free fall to 1.2m, so the Company took the position that we had to find something better (requiring an anchorage 1.3m off the deck of the bridge with a 1.8m lanyard).</p> <p>While we searched for a practical solution, a bridge worker died from a 60m fall. After explaining that our proposal would have saved the worker's life, our employer allowed us to immediately implement our practical solution of allowing a worker to tie-off at foot level when higher anchorage points were unavailable.</p> <p>Our solution was also provided to our regulator for review and we are applauded for our outside-the-box thinking which resulted in a SAFE solution to a very large hazard.</p> <p>Most regulations worldwide are moving</p>
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		<p>away from trying to control impact forces by limiting free fall. They simply specify that the fall must be stopped within the available clearance and that the peak impact experienced by the worker must be less than 6 kN or 8 kN, depending on the jurisdiction.</p> <ul style="list-style-type: none"> • There are many energy absorbing lanyards that are designed for more than a 2m free fall (CSA Z259.11 Class E6, ANSI Z359.13 Class 12ft FF, and EN 355 (which tests double the lanyard length up to a 4m free fall). Fall protection engineers can double up energy absorbing systems to deal with even greater free falls (or to deal with extremely heavy workers in lesser free falls; BPEAs can only absorb a certain amount of energy, even 1.2m of free fall with a worker heavier than 150 kg will bottom out a classic PEA (CSA class E4 or ANSI Z359.1)). • Should reference the current CSA standard. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Outside-the-box thinking should be commended, but needs to be implemented carefully where safety is concerned. If employers and workers are concerned that following a regulation will create a more dangerous situation than not following it in a particular case, a safety officer should be consulted before proceeding. • Re: referencing of standards - see: subsection 107(1) comments.
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Snap Hooks on Personal Fall Arrest System	Snap Hooks on Personal Fall Arrest System	
113. Where a snap hook is used as an integral component of a personal fall arrest system, connecting linkage, full body harness or lifeline, an employer shall ensure that the snap hook is self-locking and is approved and maintained.	113. Where a snap hook is used as an integral component of a personal fall arrest system, connecting linkage, full body harness or lifeline, an employer shall ensure that the snap hook is self-locking and is approved and maintained.	
Lanyards	Lanyards	
114. An employer shall ensure that a lanyard (a) is as short as work conditions permit; (b) is constructed of (i) nylon, polyester or polypropylene rope or webbing, or (ii) wire rope that is equipped with an approved shock absorbing device; (c) is equipped with suitable snap hooks; and (d) is approved and maintained.	114. An employer shall ensure that a lanyard (a) is as short as work conditions permit; (b) is constructed of (i) nylon, polyester or polypropylene rope or webbing, or (ii) wire rope that is equipped with an approved shock absorbing device; (c) is equipped with suitable snap hooks; and (d) is approved and maintained.	<p><u>Stakeholders:</u> Should reference the CSA standard required.</p> <p><u>Committee:</u> Re: referencing of standards - see: subsection 107(1) comments.</p>
115. (1) Before using a lifeline or lanyard, a worker shall ensure that the lifeline or lanyard (a) is free of imperfections, knots and splices, other than end terminations; (b) is protected by padding where the lifeline or lanyard passes over sharp edges; and (c) is protected from heat, flame or abrasive or corrosive materials during use.	115. (1) Before using a lifeline or lanyard, a worker shall ensure that the lifeline or lanyard (a) is free of imperfections, knots and splices, other than end terminations; (b) is protected by padding where the lifeline or lanyard passes over sharp edges; and (c) is protected from heat, flame or abrasive or corrosive materials during use.	
(2) Before using a vertical lifeline, a worker shall ensure that (a) the lower end extends to the ground or to a safe landing; and (b) the lifeline is protected at the lower end to ensure that the line cannot	(2) Before using a vertical lifeline, a worker shall ensure that (a) the lower end extends to the ground or to a safe landing; and (b) the lifeline is protected at the lower end to ensure that the line cannot	<p><u>Stakeholders:</u> Should he not also check the top connection?</p> <p><u>Committee:</u> Lifeline is defined and this covers the concern. This matter can be addressed further in codes of practice.</p>

be fouled by any equipment.	be fouled by any equipment.	
(3) Before using a full body harness, a worker shall ensure that the full body harness (a) is properly adjusted to fit the worker securely; and (b) subject to subsection 294(5), is attached by means of a connecting linkage to a fixed anchor or a lifeline.	(3) Before using a full body harness, a worker shall ensure that the full body harness (a) is properly adjusted to fit the worker securely; and (b) subject to subsection 291(5), is attached by means of a connecting linkage to a fixed anchor or a lifeline.	<u>Stakeholders:</u> Check reference to s. 294(5) no such [section]. <u>Committee:</u> Agrees. The reference is corrected to 291(5).
(4) A worker who uses a full body harness and connecting linkage shall ensure that the connecting linkage is attached to a personal fall arrest system, lifeline or a fixed anchor.	(4) A worker who uses a full body harness and connecting linkage shall ensure that the connecting linkage is attached to a personal fall arrest system, lifeline or a fixed anchor.	
Inspections	Inspections	
116. (1) Where the use of a connecting linkage, personal fall arrest system, full body harness or lifeline is required by these regulations, an employer shall ensure that a competent person (a) inspects the connecting linkage, personal fall arrest system, full body harness or lifeline (i) as recommended by the manufacturer, and (ii) after the connecting linkage, personal fall arrest system, full body harness or lifeline has sustained fall arresting incident; and (b) determines whether the connecting linkage, personal fall arrest system, full-body harness or lifeline is safe for continued use.	116. (1) Where the use of a connecting linkage, personal fall arrest system, full body harness or lifeline is required by these regulations, an employer shall ensure that a competent person (a) inspects the connecting linkage, personal fall arrest system, full body harness or lifeline (i) as recommended by the manufacturer, and (ii) after the connecting linkage, personal fall arrest system, full body harness or lifeline has sustained fall arresting incident; and (b) determines whether the connecting linkage, personal fall arrest system, full-body harness or lifeline is safe for continued use.	<u>Stakeholders:</u> <ul style="list-style-type: none"> Issue: use of the term "competent"; see comments and suggestions for "competent" (s. 1 Definitions). Requests clarification of section. When there is a fatality we need a record of these inspections. <u>Committee:</u> <ul style="list-style-type: none"> For discussion re: "competent" see sections 1 and 24. If there is a fatality, then an accident causing serious bodily injury has occurred. See section 35 regarding investigation. Under section 8 this is also reportable to the CSO. Safety officers may also carry out an investigation. Their powers are outlined in the Act.
(2) An employer shall ensure that a worker inspects the connecting linkage, personal fall arrest system, full body harness or lifeline before each use and that where a defect or unsafe	(2) An employer shall ensure that a worker inspects the connecting linkage, personal fall arrest system, full body harness or lifeline before each use and that where a defect or unsafe	<u>Stakeholders:</u> How frequently? Also questions whether "as soon as is reasonably practicable" should be present [in (2)(b)] means defective equipment may be used.

<p>condition that may create a hazard to a worker is identified in a safety belt, connecting linkage, personal fall arrest system, full body harness or lifeline,</p> <ul style="list-style-type: none"> (a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and (b) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected. 	<p>condition that may create a hazard to a worker is identified in a safety belt, connecting linkage, personal fall arrest system, full body harness or lifeline,</p> <ul style="list-style-type: none"> (a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and (b) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected. 	<p><u>Committee</u>: Under paragraph (1)(a) inspections are required as recommended by the manufacturer and after a fall. Under subsection (2), inspection is required before each use. In subsection (2), paragraphs (a) and (b) need to read together. There may be instances where the use of the defective equipment is still necessary, and it can be used as long as additional steps are taken to provide adequate protection until the equipment is repaired.</p>
<p>Protection Against Drowning</p>	<p>Protection Against Drowning</p>	
<p>117. (1) In this section,</p> <p>"buoyant apparatus" means a device that is capable of supporting the weight in water of a worker and that is constructed to</p> <ul style="list-style-type: none"> (a) remain stable when floating on either side, (b) have no projections that would prevent the buoyant apparatus from sliding easily over the side of a boat or ship, and (c) require no adjustment before use; <p>"life jacket" means an approved device that is capable of keeping a worker's head above water in a face up position without effort by the worker;</p> <p>"personal floatation device" means an approved device that is capable of keeping a worker's head above water without effort by the worker.</p>	<p>117. (1) In this section,</p> <p>"buoyant apparatus" means a device that is capable of supporting the weight in water of a worker and that is constructed to</p> <ul style="list-style-type: none"> (a) remain stable when floating on either side, (b) have no projections that would prevent the buoyant apparatus from sliding easily over the side of a boat or ship, and (c) require no adjustment before use; <p>"life jacket" means an approved device that is capable of keeping a worker's head above water in a face up position without effort by the worker;</p> <p>"personal floatation device" means an approved device that is capable of keeping a worker's head above water without effort by the worker.</p>	
<p>(2) Where a worker is required to work at a place from which the worker could fall and drown, and the worker is not protected by a</p>	<p>(2) Where a worker is required to work at a place from which the worker could fall and drown, and the worker is not protected by a</p>	<p><u>Stakeholders</u>: Fire Fighters work near water for many different emergencies and we require them to wear a life jacket as outlined in our guidelines.</p>

<p>guardrail, an employer shall</p> <ul style="list-style-type: none"> (a) provide the worker with a life jacket and ensure that the worker uses it, and ensure that the rescue equipment and personnel described in subsection (3) are readily available; (b) provide the worker with a full body harness and lifeline and ensure that the worker uses them; or (c) ensure that a net is installed that is capable of safely catching the worker if the worker falls. 	<p>guardrail, an employer shall</p> <ul style="list-style-type: none"> (a) provide the worker with a life jacket and ensure that the worker uses it, and ensure that the rescue equipment and personnel described in subsection (3) are readily available; (b) provide the worker with a full body harness and lifeline and ensure that the worker uses them; or (c) ensure that a net is installed that is capable of safely catching the worker if the worker falls. 	<p>The proposed regulations are also requiring full body harness and a life line or a safety net to protect the worker should they fall into a body of water. The regulation also requires that we have a boat readily available. This now means [a fire department] will have to take a boat with us to certain fire responses if we are working near water, this obviously can be done but is very cumbersome and can increase response times (brining the boat to a call). Could WSCC provide us with information that other jurisdictions might be using so we have some sort of template to work from for "Protection Against Drowning?".</p> <p><u>Committee:</u> More is read into the provision than is present. Under subsection 117(2), paragraphs (a), (b) and (c) are alternatives. The requirement in paragraph (2)(a) is that the rescue equipment and personnel described in subsection (3) be readily available. Additional specific practices may be covered in a code of practice.</p>
<p>(3) The rescue equipment and personnel required by paragraph (2)(a) must consist of</p> <ul style="list-style-type: none"> (a) a suitable boat equipped with a boat hook; (b) a buoyant apparatus attached to a nylon rope that is not less than 9 mm in diameter and not less than 15 m long; and (c) a sufficient number of properly equipped and trained workers to implement rescue procedures. 	<p>(3) The rescue equipment and personnel required by paragraph (2)(a) must consist of</p> <ul style="list-style-type: none"> (a) a suitable boat equipped with a boat hook; (b) a buoyant apparatus attached to a nylon rope that is not less than 9 mm in diameter and not less than 15 m long; and (c) a sufficient number of properly equipped and trained workers to implement rescue procedures. 	
<p>(4) An employer shall ensure that a life jacket or personal flotation device is provided for each worker who is transported by boat or works from a boat, and that each worker uses the life jacket or personal flotation device at all times</p>	<p>(4) An employer shall ensure that a life jacket or personal flotation device is provided for each worker who is transported by boat or works from a boat, and that each worker uses the life jacket or personal flotation device at all times</p>	

when the worker is in the boat.	when the worker is in the boat.	
PART 8 NOISE CONTROL AND HEARING CONSERVATION	PART 8 NOISE CONTROL AND HEARING CONSERVATION	
Interpretation	Interpretation	
118.In this Part, "dBA L _{ex} " means the level of a worker's total exposure to noise in dBA, averaged over an entire workday and adjusted to an equivalent eight-hour exposure.	118.In this Part, "dBA L _{ex} " means the level of a worker's total exposure to noise in dBA, averaged over an entire workday and adjusted to an equivalent eight-hour exposure.	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • New requirements for testing of individuals and record retention. Consider whether it is more appropriate that records are kept on file at WCB as opposed to with the employer. • Claimants generally make a claim in their 60 and 70's long after leaving the employer where damage may or may not have occurred. Its then up to the employer to search archives 30 or 40 years old. <p><u>Committee:</u> This comment concerns compensation rather than safety. Compensation is after an injury has been sustained. The <i>Safety Act</i> is oriented towards OHS at a work site. The purpose of the keeping of records is not for compensation, but for hazard identification and OHS monitoring.</p>
General Duty	General Duty	
119. (1) An employer shall ensure that all reasonably practicable means are used to reduce noise levels in all areas where workers may be required or permitted to work.	119. (1) An employer shall ensure that all reasonably practicable means are used to reduce noise levels in all areas where workers may be required or permitted to work.	
<p>(2) The means to reduce noise levels pursuant to subsection (1) may include any of the following:</p> <ul style="list-style-type: none"> (a) eliminating or modifying the noise source; (b) substituting quieter equipment or processes; (c) enclosing the noise source; 	<p>(2) The means to reduce noise levels pursuant to subsection (1) may include any of the following:</p> <ul style="list-style-type: none"> (a) eliminating or modifying the noise source; (b) substituting quieter equipment or processes; (c) enclosing the noise source; 	

(d) installing acoustical barriers or sound absorbing materials.	(d) installing acoustical barriers or sound absorbing materials.	
Noise Reduction Through Design and Construction of Buildings	Noise Reduction Through Design and Construction of Buildings	
<p>120. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) all new work sites are designed and constructed so as to achieve the lowest reasonably practicable noise level; (b) any alteration, renovation or repair to an existing work site is made so as to achieve the lowest reasonably practicable noise level; and (c) all new equipment to be used at a work site is designed and constructed so as to achieve the lowest reasonably practicable noise level. 	<p>120. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) all new work sites are designed and constructed so as to achieve the lowest reasonably practicable noise level; (b) any alteration, renovation or repair to an existing work site is made so as to achieve the lowest reasonably practicable noise level; and (c) all new equipment to be used at a work site is designed and constructed so as to achieve the lowest reasonably practicable noise level. 	<p><u>Stakeholders:</u> How is this determined and by whom is this lowest level determined? i.e., an acceptable noise level in an office is different from a workshop noise level, and they are less than 85dBA. What standard will be used to determine compliance? suggest entire section be deleted.</p> <p><u>Committee:</u> There is a great deal of flexibility with "reasonably practicable", and it would be reasonable for the particular kind of work site. No standards are set here and codes of practice will assist in determining what is reasonably practicable.</p>
Measurement of Noise Levels	Measurement of Noise Levels	
<p>121. (1) In every area where workers are required or permitted to work and the noise level may frequently exceed 80 dBA, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the noise level is measured in accordance with an approved method; (b) in consultation with the Committee, the occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, a competent person evaluates the sources of the noise and recommends corrective action; and (c) the measurements, evaluation and recommendations are documented. 	<p>121. (1) In every area where workers are required or permitted to work and the noise level may frequently exceed 80 dBA, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the noise level is measured in accordance with an approved method; (b) in consultation with the Committee or the representative, that a competent person evaluates the sources of the noise and recommends corrective action; and (c) the measurements, evaluation and recommendations are documented. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • All other jurisdictions in Western Canada state 85dba. Consistency on this is very important. This should be changed to reflect a sign is required to identify where the noise level may be greater than 85dba. The range may not always be practical to identify but the "greater than" requirement can be met. • Provinces like British Columbia and Saskatchewan require a noise assessment to be performed if noise levels are at 82 dBA and 85 dBA, respectively. Why is the NT not adopting the same values? What is the reasoning to adopt 80 dBA? • It would be helpful to cite the standard(s) the noise assessment should

		<p>comply with, for example CSA Z107.56-06, Procedures for the Measurement of Occupational Noise Exposure.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This is only a threshold level where monitoring must commence along with the other things listed in this subsection. • The CSA standard could be mentioned in the code of practice. • Para (1)(b) was changed to delete the requirement for consultation with the workers if there is no OHS Committee or representative. One or the other will always be available.
(2) An employer shall re-measure the noise level in accordance with subsection (1) where altering, renovating or repairing the work site, introducing new equipment to the work site or modifying any process at the work site may result in a significant change in noise levels or occupational noise exposure.	(2) An employer shall re-measure the noise level in accordance with subsection (1) where altering, renovating or repairing the work site, introducing new equipment to the work site or modifying any process at the work site may result in a significant change in noise levels or occupational noise exposure.	
(3) An employer shall keep a record of the results of any noise level measurements conducted at the work site as long as the employer operates in the Northwest Territories.	(3) An employer shall keep a record of the results of any noise level measurements conducted at the work site as long as the employer operates in the Northwest Territories.	<p><u>Stakeholders:-</u> Subsection (3) is jurisdiction specific draft is oriented towards the NT and not NU.</p> <p><u>Committee:</u> A separate version of the regulations will be prepared for NU with the correct territorial references. This draft is based on NT.</p>
(4) On request, an employer shall make available to an affected worker a copy of the results of any measurements conducted.	(4) On request, an employer shall make available to an affected worker a copy of the results of any measurements conducted.	
(5) An employer shall ensure that any area in which the measurements taken pursuant to subsection (1) show noise levels in excess of 80 dBA is clearly marked by a sign indicating the range of noise levels.	(5) An employer shall ensure that any area in which the measurements taken pursuant to subsection (1) show noise levels in excess of 80 dBA is clearly marked by a sign indicating the range of noise levels.	

Exposure to Noise	Removed	
<p>122. (1) Where a worker is required or permitted by these regulations to use hearing protectors, an employer shall</p> <ul style="list-style-type: none"> (a) provide approved hearing protectors; and (b) require workers to use those hearing protectors where the worker is required to use hearing protectors by these regulations. 	Removed	<p><u>Committee:</u> This is a type of PPE that can reasonably be provided by the worker, rather than the employer, or negotiated between the two. Ear defenders are not very expensive, and are not a type of specialized PPE.</p>
<p>(2) Where practicable, an employer shall ensure that a hearing protector provided pursuant to subsection (1) reduces the noise level received into the worker’s ears to not more than 82 dBA.</p>	Removed	
<p>(3) Where it is not practicable to comply with subsection (2), an employer shall ensure that a hearing protector provided pursuant to subsection (1) reduces the noise level received into the worker’s ears to the lowest level that is practicable.</p>	Removed	
<p>(4) Where an employer provides a worker with a hearing protector that depends for effectiveness on a close approximation of size or shape to the auditory canal of its user, the employer shall ensure that the hearing protector is fitted to the worker by a competent person.</p>	Removed	
<p>Hearing Protection Required Daily Exposure Between 80 dBA L_{ex} and 85 dBA L_{ex}</p>	<p>Hearing Protection Required-Daily Exposure Between 80 dBA L_{ex} and 85 dBA L_{ex}</p>	
<p>123. Where a worker’s occupational noise exposure is or is believed to be between 80 dBA L_{ex} and 85 dBA L_{ex}, an employer shall</p> <ul style="list-style-type: none"> (a) establish and maintain an occupational health and safety program under section 28; (b) inform the worker of the hazards of occupational noise exposure; 	<p>123. Where a worker’s occupational noise exposure is or is believed to be between 80 dBA L_{ex} and 85 dBA L_{ex}, an employer shall</p> <ul style="list-style-type: none"> (a) inform the worker of the hazards of occupational noise exposure; (b) on the request of the worker, make available to the worker approved hearing protectors; and 	<p><u>Stakeholders:</u> If there are less than 10 workers is the employer required to comply with all of s. 28 or only required to implement a hearing conservation program?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Paragraph (a) is removed.- See revised section 27.

<p>(c) on the request of the worker, make available to the worker hearing protectors that meet the requirements of section 122; and</p> <p>(d) train the worker in the selection, use and maintenance of the hearing protectors.</p>	<p>(c) train the worker in the selection, use and maintenance of the hearing protectors.</p>	<ul style="list-style-type: none"> • Paragraph (c), (now (b)), is revised to remove reference to section 122. • With respect to comment, the number of workers is not determinative, rather the level of noise exposure.
<p>Daily Exposure Greater than 85 dBA L_{ex}</p>	<p>Daily Exposure Greater than 85 dBA L_{ex}</p>	
<p>124. (1) Where a worker’s occupational noise exposure equals or exceeds 85 dBA L_{ex}, an employer shall</p> <p>(a) establish and maintain an occupational health and safety program under section 28;</p> <p>(b) inform the worker of the hazards of occupational noise exposure;</p> <p>(c) take all reasonably practicable steps to reduce noise levels in all areas where the worker may be required or permitted to work;</p> <p>(d) minimize the worker’s occupational noise exposure to the extent that is reasonably practicable; and</p> <p>(e) document steps taken pursuant to paragraphs (b) and (c).</p>	<p>124. (1) Where a worker’s occupational noise exposure equals or exceeds 85 dBA L_{ex}, an employer shall</p> <p>(a) establish and maintain an occupational health and safety program under section 27;</p> <p>(b) inform the worker of the hazards of occupational noise exposure;</p> <p>(c) take all reasonably practicable steps to reduce noise levels in all areas where the worker may be required or permitted to work;</p> <p>(d) minimize the worker’s occupational noise exposure to the extent that is reasonably practicable; and</p> <p>(e) document steps taken pursuant to paragraphs (b) and (c).</p>	<p><u>Committee</u>: section reference corrected.</p>
<p>(2) Where, in the opinion of an employer, it is not reasonably practicable to reduce noise levels or minimize a worker’s occupational noise exposure to less than 85 dBA L_{ex}, the employer shall provide written reasons for that opinion to the Committee and, where there is no Committee, shall inform the workers of the reasons for that opinion.</p>	<p>(2) Where, in the opinion of an employer, it is not reasonably practicable to reduce noise levels or minimize a worker’s occupational noise exposure to less than 85 dBA L_{ex}, the employer shall provide written reasons for that opinion to the Committee and, where there is no Committee, shall inform the workers of the reasons for that opinion.</p>	<p><u>Stakeholders</u>: provision needs clarification</p> <p><u>Committee</u>: Committee is of the view this is clear.</p>
<p>(3) Where it is not reasonably practicable to reduce a worker’s occupational noise exposure below 85 dBA L_{ex} or the noise level below 90 dBA in any area where a worker may be required or</p>	<p>(3) Where it is not reasonably practicable to reduce a worker’s occupational noise exposure below 85 dBA L_{ex} or the noise level below 90 dBA in any area where a worker may be required or</p>	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • Question whether the 24 months is reasonable. • Also, what environments are typical of

<p>permitted to work, an employer shall</p> <ul style="list-style-type: none"> (a) provide a hearing protector to the worker that meets the requirements of section 122; (b) train the worker in the selection, use and maintenance of the hearing protector; and (c) arrange for the worker to have, at least once every 24 months during the worker's normal working hours, an audiometric test and appropriate counselling based on the test results under the direction of a physician, an audiologist or a registered nurse who has a certificate in audiometric testing. 	<p>permitted to work, an employer shall</p> <ul style="list-style-type: none"> (a) provide a hearing protector to the worker that meets the requirements of section 122; (b) train the worker in the selection, use and maintenance of the hearing protector; and (c) arrange for the worker to have, at least once every 24 months during the worker's normal working hours, an audiometric test and appropriate counselling based on the test results under the direction of a medical professional or an audiologist who has a certificate in audiometric testing. 	<p>85 dBA Lex to 90 dBA Lex?</p> <ul style="list-style-type: none"> • What about remote communities and travel? Requirement has to be equal for everyone. • Re: para 124(3)(c) Requirement for an audiometric test every 24 months and also for measurement on worksites during construction -- think some further review of this is required to ensure that it can be done as laid out; again, will work in larger centres but in some of communities it will present challenges. • Recommend annual audiometric test for workers assigned to noisy environments. • An environment that is 85 dBA Lex is a noisy environment. • Need to get the baseline before starting the exposure. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Under current GSRs where noise exceeds 80 dBA the employer must provide approved CSA hearing protection to the worker. • Under section 123 of the new draft such protectors must only be available to workers on request (i.e., the employer can sell them to the workers) when noise levels regularly exceed 80 dBA Lex. Only when noise levels exceed 85 dBA Lex is the employer required to provide approved hearing protection. • A baseline test is not necessary, and s. 125 has been deleted. An audiometric test will reveal if a worker suffers from a hearing injury.
<p>(4) Where a worker cannot attend an</p>	<p>(4) Where a worker cannot attend an</p>	

<p>audiometric test referred to in paragraph (3)(c) during the worker’s normal working hours, an employer shall credit the worker’s attendance at the test as time at work and ensure that the worker does not lose any pay or other benefits.</p>	<p>audiometric test referred to in paragraph (3)(c) during the worker's normal working hours, an employer shall credit the worker's attendance at the test as time at work and ensure that the worker does not lose any pay or other benefits.</p>	
<p>(5) Where a worker cannot recover the costs of a audiometric test referred to paragraph (3)(c), an employer shall reimburse the worker for the costs of the test that, in the opinion of the Chief Safety Officer, are reasonable.</p>	<p>(5) Where a worker cannot recover the costs of a audiometric test referred to paragraph (3)(c), an employer shall reimburse the worker for the costs of the test that, in the opinion of the Chief Safety Officer, are reasonable.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Who pays? • Is the territorial health system capable of doing the required testing? • Will territorial health system cover this? Is this geared to workers who are not covered by territorial health? • What is considered a reasonable cost for the employee or employer to incur? • Is the clinic in Yellowknife able to attend the demand this might generate? Having to send employees to Edmonton or Calgary to get the test done is not something that may be feasible to employers in Yellowknife and in the Communities. It may not be feasible to medium and small employers to hire companies outside Yellowknife to come perform audiometric testing nor have medical personnel on staff to do this procedure in-house. • Baseline audiometric testing could be subsidized by WSCC. Hearing test results should be submitted to WSCC. The results would be used on noise exposure claims, statistical reports, and compliance with legislation (WorkSafe BC does this right now). In addition, if a company no longer operates in the North, WSCC would have the records for future reference. • I have a suggestion for cost

		<p>containment, as I feel it is in workers' best interest to have the testing done. Registered nurses perform audiology testing on all babies born here. This is part of their daily routine, and training required is minimal. RNs working in health centers and emergency rooms could easily be trained to perform and document these tests. The test itself takes 5 minutes to complete; the real cost would be for equipment, which I understand is less than \$5000 per machine.</p> <p><u>Committee:</u> The territorial health system or the employer will bear these costs.</p>
Audiometric Testing	Removed	
125. (1) If audiometric testing of a worker is required under paragraph 124(3)(c), audiometric testing must include an initial baseline test as soon as practicable, but not later than six months after the worker is employed or within six months after the worker is exposed to excess noise because of a change in the worker's duties or process conditions.	Removed	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • [This is] not practical. • ISSUE: "six months" This is not always possible to do within this timeframe. A minimum one year is recommended. <p><u>Committee:</u> Agrees and deletes section.</p>
(2) Audiometric testing must be carried out by a qualified and competent audiometric technician.	Removed	
(3) The results of an audiometric test arranged by an employer must be communicated by a qualified and competent audiometric technician to the physician, audiologist or a nurse that is directing the audiometric testing.	Removed	
(4) If a physician, audiologist or a nurse who directs audiometric testing makes a diagnosis that there has been a hearing loss by a worker being tested, the physician, audiologist or a nurse	Removed	<p><u>Stakeholders:</u> Re: section 125(4)(c) results of audiometric test is private medical information and it should not be shared with the Committee as stated in this section.</p>

<p>shall</p> <ul style="list-style-type: none"> (a) advise the worker of the diagnosis within 30 days; (b) advise the worker’s employer of the diagnosis and test results within 30 days; and (c) advise the Committee or occupational health and safety representative, if either exists. 		<p><u>Committee</u>: Section deleted.</p>
<p>(5) Following advisement of a hearing loss under subsection (4), an employer shall</p> <ul style="list-style-type: none"> (a) carry out immediately an investigation of the effectiveness of the noise management program in place at the work site, with the assistance of the Committee, occupation health and safety representative or workers; (b) carry out immediately a hazard recognition program under paragraph 28(b) for the noise hazard; and (c) take measures to mitigate the noise hazard to workers at the work site. 	<p>Removed</p>	<p><u>Committee</u>: This is repetitive of section 28.</p>
<p>(6) All records relating to audiometric testing of any individual must be treated as medical information under section 10.</p>	<p>Removed</p>	<p><u>Committee</u>: This is repetitive of section 10.</p>
<p>Hearing Conservation Plan</p>	<p>Hearing Conservation Plan</p>	
<p>126. (1) Where ten or more workers’ occupational noise exposure exceeds or is believed to exceed 85 dBA L_{ex}, an employer shall, in consultation with the Committee</p> <ul style="list-style-type: none"> (a) develop a hearing conservation plan; and (b) review and, where necessary, revise the hearing conservation plan every three years. 	<p>126. (1) Where 20 or more workers’ occupational noise exposure exceeds or is believed to exceed 85 dBA L_{ex}, an employer shall, in consultation with the Committee</p> <ul style="list-style-type: none"> (a) develop a hearing conservation plan; and (b) review and, where necessary, revise the hearing conservation plan every three years. 	<p><u>Stakeholders</u>:</p> <ul style="list-style-type: none"> • This be raised to 20 or more workers to be consistent with the accommodating of small businesses. See s. 7 for rationale. • Why should this be dependent on the number of workers? Should the Plan not be developed even if one worker is exposed?

		<p><u>Committee:</u></p> <ul style="list-style-type: none"> • The number is modified to 20. • This is a minimum requirement, employers may have a plan for where there are fewer workers. Other sections in this Part are independent of the number of workers.
(2) An employer shall implement a hearing conservation plan developed pursuant to subsection (1) and appoint a supervisor to oversee the plan.	(2) An employer shall implement a hearing conservation plan developed pursuant to subsection (1) and appoint a supervisor to oversee the plan.	
<p>(3) A hearing conservation plan must be in writing and must include</p> <ul style="list-style-type: none"> (a) the methods and procedures to be used in assessing the occupational noise exposure of workers; (b) the methods of noise control to be used, including engineering controls and administrative arrangements; (c) the selection, use and maintenance of hearing protectors; (d) a plan to train workers in the hazards of excessive exposure to noise and the correct use of control measures and hearing protectors; (e) the maintenance of exposure records; (f) the requirements for audiometric tests; and (g) a schedule for reviewing the hearing conservation plan and procedures for conducting the review. 	<p>(3) A hearing conservation plan must be in writing and must include</p> <ul style="list-style-type: none"> (a) the methods and procedures to be used in assessing the occupational noise exposure of workers; (b) the methods of noise control to be used, including engineering controls and administrative arrangements; (c) the selection, use and maintenance of hearing protectors; (d) a plan to train workers in the hazards of excessive exposure to noise and the correct use of control measures and hearing protectors; (e) the maintenance of exposure records; (f) the requirements for audiometric tests; and (g) a schedule for reviewing the hearing conservation plan and procedures for conducting the review. 	
(4) An employer shall make a copy of a hearing conservation plan readily available for reference by workers.	(4) An employer shall make a copy of a hearing conservation plan readily available for reference by workers.	

PART 9 SAFEGUARDS, STORAGE, WARNING SIGNS AND SIGNALS	PART 9 SAFEGUARDS, STORAGE, WARNING SIGNS AND SIGNALS	
Interpretation	Interpretation	
127. In this Part, "toeboard" means a low vertical guard that is located at the outer edge of a platform, scaffold, floor, stair or walkway and that is designed to prevent materials or equipment from falling over the edge.	127. In this Part, "toeboard" means a low vertical guard that is located at the outer edge of a platform, scaffold, floor, stair or walkway and that is designed to prevent materials or equipment from falling over the edge.	<p>Stakeholders: Should this be placed in the "interpretation" section?</p> <p>Committee: No. This term is used uniquely in Part 9, specifically sections 138 and 139.</p>
Protection Against Falling	Protection Against Falling	
<p>128. (1) In this section and sections 129 to 131,</p> <p>"anchor point" or "anchor plate" means a secure connecting point capable of safely withstanding the impact forces applied by a fall protection system;</p> <p>"control zone" means the area within 2 m of an unguarded edge of a level, elevated work surface of 3 m or more in height;</p> <p>"fall protection system" means</p> <ul style="list-style-type: none"> (a) a control zone as required pursuant to section 130, (b) a personal fall arrest system, (c) a safety net, or (d) a travel restraint system; <p>"permanent" means intended and designed to last indefinitely;</p> <p>"similar barrier" means any barrier that the employer or contractor can demonstrate provides a level of protection that is at least equivalent to a guardrail;</p> <p>"temporary" means intended and designed</p>	<p>128. (1) In this section and sections 129 to 131,</p> <p>"anchor point" or "anchor plate" means a secure connecting point capable of safely withstanding the impact forces applied by a fall protection system;</p> <p>"control zone" means the area within 2 m of an unguarded edge of a level, elevated work surface of 3 m or more in height;</p> <p>"fall protection system" means</p> <ul style="list-style-type: none"> (a) a control zone as required pursuant to section 130, (b) a personal fall arrest system, (c) a safety net, or (d) a travel restraint system; <p>"permanent" means intended and designed to last indefinitely;</p> <p>"similar barrier" means any barrier that the employer –can demonstrate provides a level of protection that is at least equivalent to a guardrail;</p> <p>"temporary" means intended and designed</p>	<p>Stakeholders:</p> <ul style="list-style-type: none"> • The use of a hierarchy of control zones is a great improvement over the current GSRs. • re: "permanent" nothing lasts indefinitely should be changed to 2 years or more. • Generally I see a large improvement in that you propose following a hierarchy of controls (section 128) and regulate the use of control zones and travel restraint systems that are absent from the current regulations. • There are numerous typos throughout the document that I am sure others will correct in due course, so I will not comment on them. • I have four major specific technical concerns that I offer for your consideration: [all but 4th moved to ss. 110, 111 and 131] I cannot find any section which requires the fall to be stopped within the available clearance. • Your 3 m threshold height where fall protection must be used is very difficult to protect with a common 1.8 m energy

<p>(a) not to last indefinitely, and (b) to last not more than one year;</p> <p>"travel restraint system" means a system that prevents a worker from travelling to the edge of a structure or to a work position from which the worker could fall.</p>	<p>(a) not to last indefinitely, and (b) to last not more than one year;</p> <p>"travel restraint system" means a system that prevents a worker from travelling to the edge of a structure or to a work position from which the worker could fall.</p>	<p>absorbing lanyard...the worker must connect to a rigid anchorage that is 2.3 m above the platform he is standing on to stop his fall 3 m below the platform with a 0.6 m margin of safety as required in the CSA Z259.16 standard. With flexible anchorage systems such as horizontal lifelines, it is not uncommon to stop the fall 6 to 10 m below the platform, but few users or employers recognize this, and your regulations are not even going to require that it be considered. You should at least have a statement somewhere that the fall arrest system must be rigged to stop the fall within the available clearance, and probably should require employers to determine the required clearance and to let their workers know what they need so they don't rig or use a system that will allow them to impact a lower level.</p> <ul style="list-style-type: none"> Improperly spelled words as highlighted. <p><u>Committee:</u></p> <ul style="list-style-type: none"> Use of "permanent" is deliberate and the term is defined along with "temporary". If a fall is not stopped within the available clearance, the fall is not stopped. The only change to this section is in subsection (1), the definition "similar barrier" - the words "or contractor" are deleted.
<p>(2) An employer shall ensure that workers use a fall protection system at a work site where (a) a worker may fall 3 m or more; or</p>	<p>(2) An employer shall ensure that workers use a fall protection system at a work site where (a) a worker may fall 3 m or more; or</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> question of application. Typo #1: "hall" should read "shall".

<p>(b) there is a possibility of injury if a worker falls less than 3 m.</p>	<p>(b) there is a possibility of injury if a worker falls less than 3 m.</p>	<p>[picked up and corrected] TVDO #2: "here" should read "where". [picked up and corrected]</p> <ul style="list-style-type: none"> • There should be a requirement for a fall to be stopped within an available clearance. The stakeholder questioned the fall distances mentioned in subsections (2), (3) and (6), and suggested that the CSA standard (Z259.16) may require something more onerous. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • There is no need to modify the distances set in the draft. These distances are consistent throughout western Canada and to some degree in the United States (OSHA). There is nothing wrong with an employer following stricter requirements that exceed what is required by these regulations (i.e. industry best practices). These industry best practices could be itemized in the codes of practice.
<p>(3) An employer shall ensure that a worker at a permanent work site is protected from falling by a guardrail or similar barrier if the worker may fall a vertical distance of more than 1.2 m and less than 3 m.</p>	<p>(3) An employer shall ensure that a worker at a permanent work site is protected from falling by a guardrail or similar barrier if the worker may fall a vertical distance of more than 1.2 m and less than 3 m.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Typo #1: "hall" should read "shall". [picked up and corrected] • Why would add less than 3 m hand rails are required if you can fall 1.2 m or else other procedures have been put in place? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Guardrail is required where height is greater than 1.2 m but less than 3 m and fall protection is required where height is 3 m or greater.

<p>(4) Notwithstanding subsection (3), where the use of a guardrail or similar barrier is not reasonably practicable, an employer shall ensure that a worker uses a travel restraint system.</p>	<p>(4) Notwithstanding subsection (3), where the use of a guardrail or similar barrier is not reasonably practicable, an employer shall ensure that a worker uses a travel restraint system.</p>	<p><u>Stakeholders</u>: Typo #1: "hall" should read "shall".</p>
<p>(5) Notwithstanding subsection (4), where the use of a travel restraint system is not reasonably practicable, an employer shall ensure that a safety net or control zone or other equally effective means that protects the worker from falling is used.</p>	<p>(5) Notwithstanding subsection (4), where the use of a travel restraint system is not reasonably practicable, an employer shall ensure that a safety net or control zone or other equally effective means that protects the worker from falling is used.</p>	
<p>(6) Subsection (2) does not apply to competent workers who are engaged in</p> <ul style="list-style-type: none"> (a) installing or attaching a fall protection system to the anchor point; (b) removing or disassembling the associated parts of a fall protection system when it is no longer required; or (c) activities within the normal course of business on a permanent loading dock that is not greater than 1.2 m in height. 	<p>(6) Subsection (2) does not apply to competent workers who are engaged in</p> <ul style="list-style-type: none"> (a) installing or attaching a fall protection system to the anchor point; (b) removing or disassembling the associated parts of a fall protection system when it is no longer required; or (c) activities within the normal course of business on a permanent loading dock that is not greater than 1.2 m in height. 	
<p>Fall Protection Plan</p>	<p>Fall Protection Plan</p>	
<p>129. (1) An employer shall develop a written fall protection plan where</p> <ul style="list-style-type: none"> (a) a worker may fall 3 m or more; and (b) workers are not protected by a guardrail or similar barrier. 	<p>129. (1) An employer shall develop a written fall protection plan where</p> <ul style="list-style-type: none"> (a) a worker may fall 3 m or more; and (b) workers are not protected by a guardrail or similar barrier. 	<p><u>Stakeholders</u>: too vague. <u>Committee</u>: It is not clear why the stakeholder considers this provision vague.</p>
<p>(2) The fall protection plan must describe</p> <ul style="list-style-type: none"> (a) the fall hazards at the work site; (b) the fall protection system to be used at the work site; (c) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system; and 	<p>(2) The fall protection plan must describe</p> <ul style="list-style-type: none"> (a) the fall hazards at the work site; (b) the fall protection system to be used at the work site; (c) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system; and 	

(d) the rescue procedures to be used if a worker falls, is suspended by a personal fall arrest system or safety net and needs to be rescued.	(d) the rescue procedures to be used if a worker falls, is suspended by a personal fall arrest system or safety net and needs to be rescued.	
(3) The employer shall ensure that a copy of the fall protection plan is readily available before work begins at a work site where a risk of falling exists.	(3) The employer shall ensure that a copy of the fall protection plan is readily available before work begins at a work site where a risk of falling exists.	
(4) The employer shall ensure that a worker is trained in the fall protection plan and the safe use of the fall protection system before allowing the worker to work at the work site where a fall protection system must be used.	(4) The employer shall ensure that a worker is trained in the fall protection plan and the safe use of the fall protection system before allowing the worker to work at the work site where a fall protection system must be used.	
Control Zone	Control Zone	
130. (1) An employer shall ensure that a control zone (a) is only used if a worker can fall from a level surface at a work site; and (b) is not less than 2 m wide when measured from the unguarded edge.	130. (1) An employer shall ensure that a control zone (a) is only used if a worker can fall from a level surface at a work site; and (b) is not less than 2 m wide when measured from the unguarded edge.	
(2) When crossing a control zone referred to in subsection (1), a worker (a) subject to subsection (4) is not required to use a fall protection system, other than the control zone, to enter or leave the work site; and (b) shall follow the most direct route to get to or from the unguarded edge.	(2) When crossing a control zone referred to in subsection (1), a worker (a) subject to subsection (4) is not required to use a fall protection system, other than the control zone, to enter or leave the work site; and (b) shall follow the most direct route to get to or from the unguarded edge.	
(3) An employer shall ensure that a control zone is clearly marked with an effective raised warning line or other equally effective method if a worker is working more than 2 m from an unguarded edge.	(3) An employer shall ensure that a control zone is clearly marked with an effective raised warning line or other equally effective method if a worker is working more than 2 m from an unguarded edge.	
(4) An employer shall ensure that a worker who works in control zone uses (a) a travel restraint system; or	(4) An employer shall ensure that a worker who works in control zone uses (a) a travel restraint system; or	<u>Stakeholders:</u> Line used must be of sufficient strength and shall not create a possible trip hazard. Is the line a requirement in all cases and

<p>(b) another system means that is as equally effective as a travel restraint system and that prevents the worker from getting to the unguarded edge.</p>	<p>(b) another system means that is as equally effective as a travel restraint system and that prevents the worker from getting to the unguarded edge.</p>	<p>around the total perimeter? Does a safety zone still comply for roofers?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The line requirement is set out in subsection 110(3) for lifelines and section 114 for lanyards. • The control zone provision applies where workers can work more than 2 m from an unguarded edge. Under subsection (3) a raised warning line is one option to mark a control zone, but other equally effective methods, such as a barrier line, could also be used. • A control zone can only be used on a level surface, so could apply to a work site that is flat roof (with an unguarded edge, from which a person could fall), but not to a peaked roof.
<p>Anchor Points and Anchor Plates</p>	<p>Anchor Points and Anchor Plates</p>	
<p>131. (1) Where a worker uses a personal fall arrest system or a travel restraint system, an employer, shall ensure that an anchor point or anchor plate that meets the requirements of this section is used as part of that system.</p>	<p>131. (1) Where a worker uses a personal fall arrest system or a travel restraint system, an employer, shall ensure that an anchor point or anchor plate that meets the requirements of this section is used as part of that system.</p>	<p><u>Stakeholder:</u> There is a real risk that someone who needs a fall arrest anchorage may choose to use the temporary restraint anchorage if it is all that is available.</p> <p><u>Committee:</u> Agreed. Note "temporary" and "permanent" are defined terms in Part 9 (see section 128). The stakeholder's concern could be addressed in a code of practice.</p>
<p>(2) An employee shall ensure that a temporary anchor point used in a travel restraint system</p> <p>(a) has an ultimate load capacity of at least 3.5 kN per worker attached in any direction in which the load may be applied;</p> <p>(b) is installed and used according to</p>	<p>(2) An employer shall ensure that a temporary anchor point used in a travel restraint system</p> <p>(a) has an ultimate load capacity of at least 3.5 kN per worker attached in any direction in which the load may be applied;</p> <p>(b) is installed and used according to</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • re: s. 131(2) Temporary restraint anchorages must have a strength of 3.5 kN and permanent restraint anchorages must have a strength of 8.75 kN per worker (Clause 131. (2) and (3)). • Most jurisdictions require temporary travel restraint anchorages on LOW

<p>the manufacturer's specifications; (c) is permanently marked as being for travel restraint only; and (d) is removed by the last worker from use on the earlier of (i) the date the work project for which it is intended is completed, and (ii) the time specified by the manufacturer.</p>	<p>the manufacturer's specifications; (c) is permanently marked as being for travel restraint only; and (d) is removed by the last worker from use on the earlier of (i) the date the work project for which it is intended is completed, and (ii) the time specified by the manufacturer.</p>	<p>slopes to have a strength near 3.5 kN and permanent travel restraint anchorages to be designed to fall arrest requirements. On sloped roofs, particularly long and slippery sloped roofs, impact forces can reach and exceed fall arrest impacts when a restraint line which WILL prevent a worker from sliding off the eave allows a long slide before the restraint line engages.</p> <ul style="list-style-type: none"> • Although your regulations require permanent anchorages to be marked for travel restraint only, over the life of the anchorage, there is a real risk that someone who needs a fall arrest anchorage may choose to use the temporary restraint anchorage if it is all that is available. • GNWT PWS 5 Jan 11 Typo #1: "hall" should read "shall". <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Agrees with this caution and thinks it should be incorporated in the code of practice. • "Temporary" is a defined term in this Part. "Travel restraint system" is also defined and if the system meets the definition, then there should be no possibility of falling. A sloped roof creates a possibility of falling. This section only deals with anchor points, not PFAS generally. There should be a code of practice on this subject.
<p>(3) An employer shall ensure that a permanent anchor point used in a travel restraint</p>	<p>(3) An employer shall ensure that a permanent anchor point used in a travel restraint</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Typo #1: "hall" should read "shall".

<p>system associated with any new construction project on or after the date this section comes into force</p> <ul style="list-style-type: none"> (a) has an ultimate load capacity of at least 8.75 kN per worker attached in any direction in which the load may be applied; (b) is installed and used according to the manufacturer's specifications; and (c) is permanently marked as being for travel restraint only. 	<p>system associated with any new construction project on or after the date this section comes into force</p> <ul style="list-style-type: none"> (a) has an ultimate load capacity of at least 8.75 kN per worker attached in any direction in which the load may be applied; (b) is installed and used according to the manufacturer's specifications; and (c) is permanently marked as being for travel restraint only. 	<p>[picked up and corrected]</p> <ul style="list-style-type: none"> • Stakeholder: Typo: "er" should read "per" in s. 131(3)(a). [agreed] Issue: Travel Restraint • It is not clear why it states, "marked as being for travel restraint", when a permanent anchor point could also be used as "fall arrest". They are distinctly different. • Suggestion: Review intent of clause. • In respect of subsection (3), it is not clear why it states, 'marked as being for travel restraint only', when a permanent anchor point could also be used for a fall arrest system. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This subsection concerns a travel restraint system, not a fall protection system. Given paragraph (c) that would seem to suggest that a permanent anchor point used in a travel restraint system is not to be used for other purposes. If it were, it would no longer be a permanent anchor point. • Travel restraint and fall arrest systems are very different. Subsections (2) and (3) deal only with travel restraint systems, while subsections (4) and (5) deal with personal fall arrest systems. • The anchor points for temporary travel restraint systems and permanent travel restraint systems must be clearly marked as such under subsections (2) and (3), as they each have very different load capacities, and the load capacity of both is significantly lower than required
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		<p>for a personal fall arrest system. A worker who needs to make use of an anchor point can then readily identify the load capacity from the marking on the system.</p>
<p>(4) In the case of a personal fall arrest system installed on or after one year after the date this section comes into force, an employer or supplier shall ensure that anchor points to which the personal fall arrest system is attached have an ultimate load capacity of at least 22.2 kN per worker attached in any direction in which the load may be applied.</p>	<p>(4) In the case of a personal fall arrest system installed on or after one year after the date this section comes into force, an employer or supplier shall ensure that anchor points to which the personal fall arrest system is attached have an ultimate load capacity of at least 22.2 kN per worker attached in any direction in which the load may be applied.</p>	<p><u>Stakeholder:</u> Typo #1: "r" "or". [agreed] Typo #2: "er" should read "per".</p>
<p>(5) An employer or supplier shall ensure that the following types of equipment that are components of fall protection systems, and their installation, conform to the manufacturer's specifications or are certified by a professional engineer:</p> <ul style="list-style-type: none"> (a) permanent anchor points; (b) anchors with multiple attachment points; (c) permanent horizontal lifeline systems; (d) support structures for safety nets. 	<p>(5) An employer or supplier shall ensure that the following types of equipment that are components of fall protection systems, and their installation, conform to the manufacturer's specifications or are certified by a professional engineer:</p> <ul style="list-style-type: none"> (a) permanent anchor points; (b) anchors with multiple attachment points; (c) permanent horizontal lifeline systems; (d) support structures for safety nets. 	<p><u>Stakeholder:</u></p> <ul style="list-style-type: none"> • Why should "permanent" be stated should include temporary as well. • Why should temporary anchor points not also be required to be certified by a professional engineer under subsection (5)? Paragraph 5(a) should refer to permanent and temporary anchor points for fall protection systems. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The wording in western Canadian legislation is preferred. • It is not necessary to include a temporary anchor point in this provision. Under subsection (4) <u>all</u> anchor points to which a personal fall arrest system can be attached will have to have an ultimate load capacity of 22.2 kN. Subsection (5) places an obligation on employers or suppliers to ensure that the components of the system, after installation, conform to manufacturer's specifications or are certified by a

		<p>professional engineer, and one of those components is the permanent anchor point.</p> <ul style="list-style-type: none"> • To add "temporary" to paragraph (5)(a) would be hampering to industry and is not necessary given subsection (4). • There are no provisions in the current GSRs that discuss anchor points with the exception of paragraph 461(k), which gives no ultimate load capacity and refers to anchor points in relation to material hoists used in the construction of chimneys and similar structures.
Elevated Conveyors	Elevated Conveyors	
132. Where an elevated conveyor crosses over a place where a worker may pass or work, an employer shall ensure that suitable precautions are taken to prevent materials on the conveyor from falling on the worker.	132. Where an elevated conveyor crosses over a place where a worker may pass or work, an employer shall ensure that suitable precautions are taken to prevent materials on the conveyor from falling on the worker.	
Wire Mesh	Wire Mesh	
133. Where wire mesh is required by these regulations, the wire mesh must <ul style="list-style-type: none"> (a) be made from wire that is at least 1.6 mm in diameter; and (b) have a mesh size that is not greater than 40 mm by 40 mm. 	133. Where wire mesh is required by these regulations, the wire mesh must <ul style="list-style-type: none"> (a) be made from wire that is at least 1.6 mm in diameter; and (b) have a mesh size that is not greater than 40 mm by 40 mm. 	
Protection Against Falling Objects	Protection Against Falling Objects	
134. (1) Subject to section 135, where a worker is required to work in an area where the worker may be in danger from a falling object, an employer shall ensure that the worker is adequately protected by the installation of an overhead barrier.	134. (1) Subject to section 135, where a worker is required to work in an area where the worker may be in danger from a falling object, an employer shall ensure that the worker is adequately protected by the installation of an overhead barrier.	
(2) An employer shall ensure that every area where a worker could be struck by a falling object is clearly marked by barriers, notices, warning lights or other warning devices.	(2) An employer shall ensure that every area where a worker could be struck by a falling object is clearly marked by barriers, notices, warning lights or other warning devices.	

Protection from Objects Falling from Scaffolds	Protection from Objects Falling from Scaffolds	
135. (1) Where a suspended scaffold, suspended powered scaffold or load carrying unit is suspended from or attached to a structure, an employer shall ensure that wire mesh, or other material equally effective to prevent objects from falling from the working surface, is installed from the working surface to a height of at least 900 mm on all sides except the side adjacent to the structure.	135. (1) Where a suspended scaffold, suspended powered scaffold or load carrying unit is suspended from or attached to a structure, an employer shall ensure that wire mesh, or other material equally effective to prevent objects from falling from the working surface, is installed from the working surface to a height of at least 900 mm on all sides except the side adjacent to the structure.	
(2) An employer shall ensure that wire mesh is installed from the working surface of a platform to a height of 2 m on all sides of <ul style="list-style-type: none"> (a) a tower hoist as defined in section 215; (b) a building shaft hoist; and (c) a hoist cage in an excavated shaft. 	(2) An employer shall ensure that wire mesh is installed from the working surface of a platform to a height of 2 m on all sides of <ul style="list-style-type: none"> (a) a tower hoist as defined in section 215; (b) a building shaft hoist; and (c) a hoist cage in an excavated shaft. 	
(3) Where it is necessary to hoist or lower materials that are of such a nature that the sides of a cantilever hoist platform or skip cannot be equipped as required by subsection (1), an employer shall provide another equally effective means for the protection of workers against falling materials.	(3) Where it is necessary to hoist or lower materials that are of such a nature that the sides of a cantilever hoist platform or skip cannot be equipped as required by subsection (1), an employer shall provide another equally effective means for the protection of workers against falling materials.	
(4) Where it is necessary for workers to pass through a safeguard required by this section, an employer shall install a gate that is equally effective to prevent objects from falling from the working surface and shall ensure that the gate is kept closed except when the gate is in use.	(4) Where it is necessary for workers to pass through a safeguard required by this section, an employer shall install a gate that is equally effective to prevent objects from falling from the working surface and shall ensure that the gate is kept closed except when the gate is in use.	
Handrails	Handrails	
136. (1) An employer shall ensure that a stairway with five or more treads <ul style="list-style-type: none"> (a) is equipped with a handrail that <ul style="list-style-type: none"> (i) extends the entire length of the stairway, 	136. (1) An employer shall ensure that a stairway with five or more treads <ul style="list-style-type: none"> (a) is equipped with a handrail that <ul style="list-style-type: none"> (i) extends the entire length of the stairway, 	<u>Stakeholders:</u> <ul style="list-style-type: none"> • The regulations should maintain the current standard of 4 or more risers rather than this, which is a looser interpretation.

<p>(ii) is adequately secured to the structure,</p> <p>(iii) is installed on the stairway at a height of between 800 and 920 mm above the front edge of the treads, and</p> <p>(iv) is strong enough to support a worker who falls on the stairway; and</p> <p>(b) on an open side, is equipped with both a handrail and an intermediate rail or equivalent safeguard.</p>	<p>(ii) is adequately secured to the structure,</p> <p>(iii) is installed on the stairway at a height of</p> <p>(A) between 760 and 860 mm above the stair tread, measured vertically from the nose of the tread, in the case of a stairway installed before the coming into force of this section, and</p> <p>(B) between 800 and 920 mm above the front edge of the treads, in the case of stairway installed on or after the coming into force of this section, and</p> <p>(iv) is strong enough to support a worker who falls on the stairway; and</p> <p>(b) on an open side, is equipped with both a handrail and an intermediate rail or equivalent safeguard.</p>	<ul style="list-style-type: none"> • Why change from current regs? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Sections 89 and 90 of the GSRs currently provide: <ul style="list-style-type: none"> 89. A flight of stairs having more than four risers must be equipped with handrails on the open sides of the stairways. 90. (1) Handrails must be installed <ul style="list-style-type: none"> (a) on one side of enclosed stairways 112 cm (44 in.) or less in width; and (b) on both sides of enclosed stairways more than 112 cm (44 in.) in width. (2) The top of a handrail must be at a height of 76 cm to 86 cm (30 in. to 34 in.) above the stair tread, measured vertically from the nose of the tread. (3) The height of the handrail must not vary on a flight or succession of flights of stairs. (4) Where a stairway ends near dangerous traffic or other hazards, detour guardrails must be installed. • “More than four risers” (that is, at least 5 risers), creates the same number of stairs as “five or more treads”, so there is no effective change from section 89. The new provisions do raise the height of the handrails about 4 cm. over what is required now, and new subparagraph (1)(a)(iii)(A) is added to provide for existing structures. The width
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		<p>requirement -- really a requirement for double handrails - is dropped: that is more of a Building Code matter, appropriate for public stairwells, but this provision deals only with work site needs.</p> <ul style="list-style-type: none"> The reason for the change is to harmonize with national legislation.
(2) Where a handrail is required for a temporary stairway to which subsection (1) applies, an employer shall ensure that the handrail is constructed of at least 38 mm by 89 mm construction grade lumber, or material of equivalent strength, and is supported by posts that are not more than 3 m apart.	(2) Where a handrail is required for a temporary stairway to which subsection (1) applies, an employer shall ensure that the handrail is constructed of at least 38 mm by 89 mm construction grade lumber, or material of equivalent strength, and is supported by posts that are not more than 3 m apart.	
Guardrails	Guardrails	
<p>137. (1) Subject to subsections (2) to (4), where the installation of a guardrail is required by these regulations, an employer shall ensure that the guardrail</p> <ul style="list-style-type: none"> (a) has a horizontal top member that is not less than 920 mm and not more than 1070 mm above the working surface; (b) has a horizontal intermediate member that is spaced midway between the horizontal top member and the working surface; (c) is supported for the entire length of the guardrail by vertical members that are <ul style="list-style-type: none"> (i) not more than 3 m apart, in the case of a guardrail installed before the coming into force of this section, and (ii) where reasonably practicable, not more than 2.4 m apart, in 	<p>137. (1) Subject to subsections (2) to (4), where the installation of a guardrail is required by these regulations, an employer shall ensure that the guardrail</p> <ul style="list-style-type: none"> (a) has a horizontal top member that is not less than 920 mm and not more than 1070 mm above the working surface; (b) has a horizontal intermediate member that is spaced midway between the horizontal top member and the working surface; (c) is supported for the entire length of the guardrail by vertical members that are, where reasonably practicable, not more than 2.4 m apart; (d) is capable of supporting a worker who may fall against the guardrail; and (e) is constructed of 38 mm by 89 mm 	<p><u>Stakeholders:</u> Why would you add this present regulations require a vertical post every 2.4 m apart</p> <p><u>Committee:</u> The stakeholders are correct. Subparagraph (c)(i) of the consultation draft has been removed.</p>

<p>the case of a guardrail installed on or after the coming into force of this section;</p> <p>(d) is capable of supporting a worker who may fall against the guardrail; and</p> <p>(e) is constructed of 38 mm by 89 mm construction grade lumber or other materials that are of equal or greater strength.</p>	<p>construction grade lumber or other materials that are of equal or greater strength.</p>	
<p>(2) A horizontal intermediate member is not required in the case of a temporary guardrail that is manufactured with a substantial barrier completely filling the area enclosed by the horizontal top member, a horizontal bottom member and the vertical members.</p>	<p>(2) A horizontal intermediate member is not required in the case of a temporary guardrail that is manufactured with a substantial barrier completely filling the area enclosed by the horizontal top member, a horizontal bottom member and the vertical members.</p>	
<p>(3) A wire rope guardrail may be used at the external perimeter of a building under construction.</p>	<p>(3) A wire rope guardrail may be used at the external perimeter of a building under construction.</p>	
<p>(4) Where a wire rope guardrail is used pursuant to subsection (3), an employer shall ensure that</p> <p>(a) the guardrail consists of a horizontal top member and a horizontal intermediate member made of wire rope that is not less than 9.5 mm in diameter, with vertical separators not less than 50 mm wide that are spaced at intervals not exceeding 2.4m;</p> <p>(b) the horizontal top member and horizontal intermediate member are positioned above the working surface in accordance with paragraphs (1)(a) and (b);</p> <p>(c) the guardrail is kept taut by means of a turnbuckle or other appropriate</p>	<p>(4) Where a wire rope guardrail is used pursuant to subsection (3), an employer shall ensure that</p> <p>(a) the guardrail consists of a horizontal top member and a horizontal intermediate member made of wire rope that is not less than 9.5 mm in diameter, with vertical separators not less than 50 mm wide that are spaced at intervals not exceeding 2.4 m;</p> <p>(b) the horizontal top member and horizontal intermediate member are positioned above the working surface in accordance with paragraphs (1)(a) and (b);</p> <p>(c) the guardrail is kept taut by means of a turnbuckle or other appropriate</p>	

device; and (d) the guardrail is arranged so that a worker coming into contact with the ropes cannot fall through the ropes.	device; and (d) the guardrail is arranged so that a worker coming into contact with the ropes cannot fall through the ropes.	
(5) An employer shall ensure that no worker hangs equipment on a guardrail.	(5) An employer shall ensure that no worker hangs equipment on a guardrail.	
Toeboards	Toeboards	
138. (1) An employer shall provide toeboards at the edge of (a) a permanent floor, platform, mezzanine, walkway, ramp, runway or other surface from which it is possible for materials to fall more than 1.2 m; (b) a temporary scaffold or work platform from which it is possible for materials to fall more than 3 m; and (c) a pit for a flywheel or pulley.	138. (1) An employer shall provide toeboards at the edge of (a) a permanent floor, platform, mezzanine, walkway, ramp, runway or other surface from which it is possible for materials to fall more than 1.2 m; (b) a temporary scaffold or work platform from which it is possible for materials to fall more than 3 m; and (c) a pit for a flywheel or pulley.	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Not clear if this applies for handrails and toeboards or just toeboards • Why [the difference in (a) and (b)]? - [there is] no difference in injury from temporary and permanent installations? <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This section applies only to toeboards; guardrails are dealt with in s. 137. • Temporary scaffolds and platforms are generally used at construction sites, where workers are likely to be aware of the variety of materials used and the risk of falling materials. Permanent elevated structures not designed for storage may attract less awareness of the risk.
(2) Subsection (1) does not apply to a loading or unloading area if the employer has taken other precautions to ensure that materials will not fall from the floor or other horizontal surface.	(2) Subsection (1) does not apply to a loading or unloading area if the employer has taken other precautions to ensure that materials will not fall from the floor or other horizontal surface.	
(3) Where a toeboard is required by these regulations, an employer shall ensure that the toeboard extends from the floor or other horizontal surface to a height of not less 125 mm from the floor or surface.	(3) Where a toeboard is required by these regulations, an employer shall ensure that the toeboard extends from the floor or other horizontal surface to a height of not less than (a) 125 mm from the floor or surface; or (b) 100 mm from the floor or surface, in the case of a toeboard that was	<p><u>Stakeholders:</u> Why change from current height of 100 cm to 125 cm?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The current GSRs provide that the top of a toeboard must be approximately 10.16 cm (4 in.) above the floor or platform on which it is installed and the clearance

	installed before the day these regulations come into force.	<p>between the bottom of the toeboard and the floor or platform must not exceed 12.7 mm (0.5 in.).</p> <ul style="list-style-type: none"> There are two changes here: there is no clearance between the floor or surface and the base of the toeboard, and the height changes from 100 cm to 125 cm. The 4 inches/10.16cm comes from the American OSHA Code. The newer Saskatchewan OHS Regs include a grandfathering provision for existing structures, which is also added here.
Openings in Floors and Roofs	Openings in Floors and Roofs	
<p>139. (1) An employer shall ensure that any opening or hole in a floor, roof or other work surface into which a worker could step or fall is</p> <p>(a) covered with a securely installed covering that is capable of supporting a load of 360 kg/m² and that is provided with a warning sign or permanent marking clearly indicating the nature of the hazard; or</p> <p>(b) provided with a guardrail and a toeboard.</p>	<p>139. (1) An employer shall ensure that any opening or hole in a floor, roof or other work surface into which a worker could step or fall is</p> <p>(a) covered with a securely installed covering that is capable of supporting a load of 360 kg/m² and that is provided with a warning sign or permanent marking clearly indicating the nature of the hazard; or</p> <p>(b) provided with a guardrail and a toeboard.</p>	<p><u>Stakeholders</u>: What if the load is more? it should be “not less than”.</p> <p><u>Committee</u>: If something is capable of supporting a load of 360 kg/m², it is capable of supporting the weight of two or more workers who might fall onto it, or a fairly substantial piece of equipment that is not likely to move easily on its own</p>
<p>(2) Where the covering or guardrail and toeboard referred to in subsection (1) or any part of the guardrail or toeboard is removed for any reason, an employer shall immediately provide</p> <p>(a) an effective alternative means of protection; and</p> <p>(b) prominently post, near the opening, a warning sign clearly indicating the nature of the hazard.</p>	<p>(2) Where the covering or guardrail and toeboard referred to in subsection (1) or any part of the guardrail or toeboard is removed for any reason, an employer shall immediately provide</p> <p>(a) an effective alternative means of protection; and</p> <p>(b) prominently post, near the opening, a warning sign clearly indicating the nature of the hazard.</p>	
Building Shafts	Building Shafts	
140. (1) An employer shall ensure that a work platform that is an integral part of a slip form	140. (1) An employer shall ensure that a work platform that is an integral part of a slip form	

used in a building shaft is designed by a professional engineer to withstand the maximum foreseeable load and is constructed, erected and used in accordance with that design.	used in a building shaft is designed by a professional engineer to withstand the maximum foreseeable load and is constructed, erected and used in accordance with that design.	
(2) An employer shall ensure that a platform referred to in subsection (1) that has been moved is examined by a competent person and that a written report of the examination is made by the person who carried it out and is kept by the employer.	(2) An employer shall ensure that a platform referred to in subsection (1) that has been moved is examined by a competent person and that a written report of the examination is made by the person who carried it out and is kept by the employer.	
(3) An employer shall not require or permit a worker to work on a platform referred to in subsection (1) that has been moved before the platform has been examined in accordance with subsection (2), unless the worker is using a personal fall arrest system, a full-body harness and a lifeline or lanyard that meet the requirements of Part 7.	(3) An employer shall not require or permit a worker to work on a platform referred to in subsection (1) that has been moved before the platform has been examined in accordance with subsection (2), unless the worker is using a personal fall arrest system, a full-body harness and a lifeline or lanyard that meet the requirements of Part 7.	
(4) Where there is no work platform installed at the level of a doorway or opening in a building shaft, an employer shall ensure that the doorway or opening is covered by a solid barrier that extends from the bottom of the doorway or opening to a height of at least 2 m and is capable of preventing a worker or loose material from falling down the shaft.	(4) Where there is no work platform installed at the level of a doorway or opening in a building shaft, an employer shall ensure that the doorway or opening is covered by a solid barrier that extends from the bottom of the doorway or opening to a height of at least 2 m and is capable of preventing a worker or loose material from falling down the shaft.	
(5) An employer shall ensure that at least one warning sign indicating the presence of an open building shaft is placed on a barrier erected pursuant to subsection (4).	(5) An employer shall ensure that at least one warning sign indicating the presence of an open building shaft is placed on a barrier erected pursuant to subsection (4).	
Safety Nets	Safety Nets	
141. Where a safety net is required by these regulations, an employer shall ensure that the safety net (a) is manufactured from rope that is at least (i) 8 mm in diameter, and	141. Where a safety net is required by these regulations, an employer shall ensure that the safety net (a) is manufactured from rope that is at least (i) 8 mm in diameter, and	<u>Stakeholders</u> : Concerned that idea of "proof tested" is not clear. <u>Committee</u> : "Proof testing" is a clear term that has a specific meaning when testing materials. It means that the steel has been subjected to a 22.2

<p>(ii) equivalent in breaking strength to number one grade pure manilla rope 9 mm in diameter;</p> <p>(b) has a mesh size that is not greater than 150 mm by 150 mm;</p> <p>(c) has safety hooks or shackles of drop-forged steel that is 22.2 kN proof tested;</p> <p>(d) has joints between the net panels that are equal in strength to the net;</p> <p>(e) extends at least 2.4 m beyond, and is not more than 6 m below, the work area; and</p> <p>(f) is installed and maintained so that, at the maximum deflection of the net when arresting the fall of a worker, no portion of the net contacts another surface.</p>	<p>(ii) equivalent in breaking strength to number one grade pure manila rope 9 mm in diameter;</p> <p>(b) has a mesh size that is not greater than 150 mm by 150 mm;</p> <p>(c) has safety hooks or shackles of drop-forged steel that is 22.2 kN proof tested;</p> <p>(d) has joints between the net panels that are equal in strength to the net;</p> <p>(e) extends at least 2.4 m beyond, and is not more than 6 m below, the work area; and</p> <p>(f) is installed and maintained so that, at the maximum deflection of the net when arresting the fall of a worker, no portion of the net contacts another surface.</p>	<p>kN force and has successfully withstood that force.</p>
<p>Storage Tanks</p>	<p>Storage Tanks</p>	
<p>142. (1) Where a worker is regularly required to walk or work on top of a storage tank, an employer shall ensure that the storage tank is fitted with a permanent walkway with guardrails.</p>	<p>142. (1) Where a worker is regularly required to walk or work on top of a storage tank, an employer shall ensure that the storage tank is fitted with a permanent walkway with guardrails.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • This is a new requirement. Manufactures of tanks should be required to sell units with the walk ways. • Many existing facilities do not meet this requirement (fuel tanks). <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The OHS Regulations cannot be expanded to require how manufacturers sell units; that is outside the scope of OHS and the <i>Safety Act</i>. The responsibility for OHS at the work site rests with the employer. • If existing facilities do not meet these requirements, they will have to be upgraded to meet them. Subsection (1) applies only where workers must

		<p>“regularly” work on top of tanks; not all tanks may be affected by it. What “regularly” means will depend on the particular circumstances and can be elaborated upon in a code of practice. (Subsection (2) applies to all tanks on top of which workers must work)</p>
<p>(2) Where a worker is required to walk or work on top of a storage tank, an employer shall ensure that any opening in the tank into which a worker may fall is guarded by a grid or other suitable means to prevent the worker from falling into the tank.</p>	<p>(2) Where a worker is required to walk or work on top of a storage tank, an employer shall ensure that any opening in the tank into which a worker may fall is guarded by a grid or other suitable means to prevent the worker from falling into the tank.</p>	
<p>Mounting of Tires</p>	<p>Mounting of Tires</p>	
<p>143. (1) Where a worker is required to mount a tire and the maximum inflation pressure is not clearly indicated on the tire wall, the employer shall provide the worker with written instructions specifying the maximum inflation pressures for the various sizes and types of tires normally encountered and ensure that the worker follows those instructions.</p>	<p>143. (1) Where a worker is required to mount a tire and the maximum inflation pressure is not clearly indicated on the tire wall, the employer shall provide the worker with written instructions specifying the maximum inflation pressures for the various sizes and types of tires normally encountered and ensure that the worker follows those instructions.</p>	<p><u>Stakeholders</u>: Should make reference to the use of a bead seater, and not combustible fuels such as quick start.</p> <p><u>Committee</u>: A bead seater is a hydraulic tool sometimes used with a cage. Under subsection (4) a cage must be used. Details of these types of equipment can be outlined in a code of practice: it is more detail than is needed in the regulation itself.</p>
<p>(2) The employer shall ensure that a tire and the rim assembly on which the tire is to be mounted are designed and constructed to be compatible with each other.</p>	<p>(2) The employer shall ensure that a tire and the rim assembly on which the tire is to be mounted are designed and constructed to be compatible with each other.</p>	
<p>(3) Where the worker is required to mount a tire on a split rim assembly or a locking ring assembly, the employer shall</p> <p>(a) provide the worker with</p> <p>(i) a clamp-on type air hose, an in-line pressure gauge and a positive pressure control, and</p> <p>(ii) a suitable cage or other restraining device to contain</p>	<p>(3) Where the worker is required to mount a tire on a split rim assembly or a locking ring assembly, the employer shall</p> <p>(a) provide the worker with</p> <p>(i) a clamp-on type air hose, an in-line pressure gauge and a positive pressure control, and</p> <p>(ii) a suitable cage or other restraining device to contain</p>	<p><u>Stakeholders</u>: Should the person not be trained first - authorized, or competent?</p> <p><u>Committee</u>: It seems unnecessary to specify details of processes and equipment here. There is a general requirement that all work is done by competent workers.</p>

<p>flying parts in the event of a split rim assembly or locking ring assembly failure or tire rupture; and</p> <p>(b) ensure that the worker inflates the tire from a safe position out of the immediate danger area.</p>	<p>flying parts in the event of a split rim assembly or locking ring assembly failure or tire rupture; and</p> <p>(b) ensure that the worker inflates the tire from a safe position out of the immediate danger area.</p>	
<p>(4) A worker who mounts a tire</p> <p>(a) shall, before commencing the mounting, place the tire that is to be mounted on a split rim assembly or locking ring assembly in a cage or restraining device;</p> <p>(b) shall not inflate the tire in excess of the maximum pressure indicated on the tire wall or listed for the size and type of tire in the written instructions provided pursuant to subsection (1);</p> <p>(c) shall use a clamp-on type air hose, an i-line pressure gauge and positive pressure control; and</p> <p>(d) shall inflate the tire from a safe position out of the immediate danger area.</p>	<p>(4) A worker who mounts a tire</p> <p>(a) shall, before commencing the mounting, place the tire that is to be mounted on a split rim assembly or locking ring assembly in a cage or restraining device;</p> <p>(b) shall not inflate the tire in excess of the maximum pressure indicated on the tire wall or listed for the size and type of tire in the written instructions provided pursuant to subsection (1);</p> <p>(c) shall use a clam--on type air hose, an in-line pressure gauge and positive pressure control; and</p> <p>(d) shall inflate the tire from a safe position out of the immediate danger area.</p>	
<p>Storage of Materials</p>	<p>Storage of Materials</p>	
<p>144.An employer shall ensure that</p> <p>(a) no material or equipment is placed, stacked or stored so as to constitute a hazard to workers; and</p> <p>(b) stacked materials or containers are stabilized, if necessary, by interlocking, strapping or other effective means of restraint.</p>	<p>144.An employer shall ensure that</p> <p>(a) no material or equipment is placed, stacked or stored so as to constitute a hazard to workers; and</p> <p>(b) stacked materials or containers are stabilized, if necessary, by interlocking, strapping or other effective means of restraint.</p>	
<p>Pallets and Storage Racks</p>	<p>Pallets and Storage Racks</p>	
<p>145.An employer or supplier shall ensure that</p> <p>(a) pallets are maintained in a manner</p>	<p>145.An employer or supplier shall ensure that</p> <p>(a) pallets are maintained in a manner</p>	

<p>that will permit safe lifting of the pallets and the pallets' loads by a forklift or other device; and</p> <p>(b) racks for the storage of material or equipment are</p> <p>(i) designed, constructed and maintained to support any load placed on the racks, and</p> <p>(ii) erected on a firm foundation.</p>	<p>that will permit safe lifting of the pallets and the pallets' loads by a forklift or other device; and</p> <p>(b) racks for the storage of material or equipment are</p> <p>(i) designed, constructed and maintained to support any load placed on the racks, and</p> <p>(ii) erected on a firm foundation.</p>	
<p>Pressurized Hoses</p>	<p>Pressurized Hoses</p>	
<p>146. Where an inadvertent disconnection of a hose, pipe or connection that is under pressure could result in danger to workers, an employer shall ensure that an effective restraining device is used on the hose, pipe or connection that is under pressure.</p>	<p>146. Where an inadvertent disconnection of a hose, pipe or connection that is under pressure could result in danger to workers, an employer shall ensure that an effective restraining device is used on the hose, pipe or connection that is under pressure.</p>	
<p>Designated Signallers</p>	<p>Designated Signallers</p>	
<p>147. (1) Where the giving of signals by a designated signaller is required by these regulations, an employer shall</p> <p>(a) designate a worker to be the designated signaller;</p> <p>(b) ensure that the designated signaller is sufficiently trained to carry out the signaller's duties in a manner that will ensure the signaller's safety and the safety of other workers; and</p> <p>(c) keep a record of the training required by paragraph (b) and give a copy of the record to the designated signaller.</p>	<p>147. (1) Where the giving of signals by a designated signaller is required by these regulations, an employer shall</p> <p>(a) designate a worker to be the designated signaller;</p> <p>(b) ensure that the designated signaller is sufficiently trained to carry out the signaller's duties in a manner that will ensure the signaller's safety and the safety of other workers; and</p> <p>(c) keep a record of the training required by paragraph (b) and give a copy of the record to the designated signaller.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Should comply with CSA standards. • Also a new documentation requirement in this section which may be too onerous for many employers. • There is a requirement to keep records of the training provided. A record of the abilities and training of key staff on a project is a positive step. Recommend that the contractor submit the essential information in their work plan as part of their staff listings. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • If there are relevant CSA standards they can be included in a code of practice. This section is similar to the current GSRs: the record keeping is a means of ensuring that current requirements are complied with.

		<ul style="list-style-type: none"> The two stakeholders have very different views concerning the training records. The concern raised may be over sites with multiple employers (as on many construction sites): which employer must keep these records? This will need to be worked out between the owner or principal contractor and relevant subcontractors, but logic would seem to suggest that the actual employer of the signallers should keep such records, but make them available to the principal contractor or owner if required.
<p>(2) An employer shall</p> <p>(a) provide each designated signaller with, and require the signaller to use, a high visibility vest, armlets or other high visibility clothing, whether the signaller is on a highway or is at any other work site; and</p> <p>(b) provide each designated signaller with a suitable light to signal with during hours of darkness and in conditions of poor visibility.</p>	<p>(2) An employer shall</p> <p>(a) provide each designated signaller with, and require the signaller to use, a high visibility vest, armlets or other high visibility clothing, whether the signaller is on a highway or is at any other work site; and</p> <p>(b) provide each designated signaller with a suitable light to signal with during hours of darkness and in conditions of poor visibility.</p>	
<p>(3) An employer shall</p> <p>(a) install suitably placed signs to warn traffic of the presence of a designated signaller before the signaller begins work; and</p> <p>(b) where reasonably practicable, install suitable overhead lights to illuminate a designated signaller effectively.</p>	<p>(3) An employer shall</p> <p>(a) install suitably placed signs to warn traffic of the presence of a designated signaller before the signaller begins work; and</p> <p>(b) where reasonably practicable, install suitable overhead lights to illuminate a designated signaller effectively.</p>	
<p>(4) A designated signaller shall ensure that it is safe to proceed with a movement before</p>	<p>(4) A designated signaller shall ensure that it is safe to proceed with a movement before</p>	

signalling for that movement to proceed.	signalling for that movement to proceed.	
(5) Where the giving of signals by a designated signaller is required by these regulations, an employer shall ensure that (a) no worker other than the designated signaller gives signals to an operator except in an emergency; and (b) only one designated signaller gives signals to an operator at a time.	(5) Where the giving of signals by a designated signaller is required by these regulations, an employer shall ensure that (a) no worker other than the designated signaller gives signals to an operator except in an emergency; and (b) only one designated signaller gives signals to an operator at a time.	<u>Stakeholders:</u> Could get confusing and could allow for conflicting instructions you can only have one person to signal the operator. <u>Committee:</u> It is our understanding of this provision that there should normally only be one person giving signals to an operator at any time. There is only an exception for emergencies.
(6) Where hand signals cannot be transmitted properly between a designated signaller and an operator, an employer shall ensure that additional designated signallers are available to effect proper transmission of signals or that some other means of communication is provided.	(6) Where hand signals cannot be transmitted properly between a designated signaller and an operator, an employer shall ensure that additional designated signallers are available to effect proper transmission of signals or that some other means of communication is provided.	
(7) Where two or more designated signallers are used, an employer shall ensure that the designated signallers are able to communicate effectively with each other.	(7) Where two or more designated signallers are used, an employer shall ensure that the designated signallers are able to communicate effectively with each other.	
Risk from Vehicular Traffic	Risk from Vehicular Traffic	
148. (1) An employer shall ensure that a worker who is at risk from vehicular traffic, whether on a highway or at any other work site, is provided with and required to use a high visibility vest, armlets or other high visibility clothing.	148. (1) An employer shall ensure that a worker who is at risk from vehicular traffic, whether on a highway or at any other work site, is provided with and required to use a high visibility vest, armlets or other high visibility clothing.	<u>Stakeholders:</u> <ul style="list-style-type: none"> • Vest to comply with CSA standard. Also should reference bicycle use as well. • We suggest also requiring head protection. <u>Committee:</u> <ul style="list-style-type: none"> • Standards can be referenced in a code of practice if considered necessary. This provision does apply to bicycle traffic as well as motor vehicle traffic, as bicycles are covered by the definition of “vehicle”. • The matter of head protection is covered under Part 7 (PPE) s. 101. Part 9

		deals with other safeguards or protective practices, not PPE.
<p>(2) Where the worker is at risk from vehicular traffic, whether on a highway or at any other work site, an employer shall develop and implement a traffic control plan, in writing, to protect the worker from traffic hazards by the use of one or more of the following:</p> <ul style="list-style-type: none"> (a) warning signs; (b) barriers; (c) lane control devices; (d) flashing lights; (e) flares; (f) conspicuously identified pilot vehicles; (g) automatic or remote-controlled traffic control systems; (h) designated signallers directing traffic. 	<p>(2) Where the worker is at risk from vehicular traffic, whether on a highway or at any other work site, an employer shall develop and implement a traffic control plan, in writing, to protect the worker from traffic hazards by the use of one or more of the following:</p> <ul style="list-style-type: none"> (a) warning signs; (b) barriers; (c) lane control devices; (d) flashing lights; (e) flares; (f) conspicuously identified pilot vehicles; (g) automatic or remote-controlled traffic control systems; (h) designated signallers directing traffic. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • There is a requirement to develop a traffic control plan in writing and to keep it at the worksite. This has the potential to become burdensome if a specific plan is required for every hwy maintenance activities. It is manageable if a standard plan describing the different situations and associated signage would be considered acceptable. Needs to be clarified. • We have several traffic control configurations on paper and approved for use as a general condition for both capital projects and maintenance programs. The use of each is adapted to the conditions of the site in order to best protect both the workers and the public. This can also be used in the Contractor Safety Package that is part of our contracts. <p><u>Committee:</u> On review the committee felt that this section may create possible conflicts with MVA legislation. The section has been substantially revised to address the concerns raised.</p>
<p>(3) The traffic control plan must</p> <ul style="list-style-type: none"> (a) be in writing; (b) be made readily available for reference by workers at the work site; and (c) set out, where appropriate <ul style="list-style-type: none"> (i) the maximum allowable speed of any vehicle or class of 	<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) workers are trained in the traffic control plan developed pursuant to subsection (2); and (b) the traffic control plan developed pursuant to subsection (2) is made readily available for reference by workers at the work site. 	<p><u>Stakeholders:</u> Re: ss. 148(3)(c)(vii) and (4)(a). Who performs the training for the TCP? Is it a formal course or informal tool box meeting? How much will it cost? WSCC presently provides the flagger standard (manual) for traffic control will it be providing the TCP standard requirements as well associated with signage and devices? Who will be the owner of the</p>

<p>vehicles, including powered mobile equipment, in use at the work site,</p> <ul style="list-style-type: none"> (ii) the maximum operating grades, (iii) the location and type of control signs, (iv) the route to be taken by vehicles, (v) the priority to be established for classes of vehicle, (vi) the location and type of barriers or restricted areas, and (vii) the duties of workers and the employer. 		<p>temporary workplace traffic plan requirements? Will duties for workers and employers need to be addressed on each traffic plan? Typically these form part of overall program. TCP is a routine daily part of our work therefore any changes affect our ability to deliver the program efficiently and effectively. In other jurisdictions training is formal, similar to flagman training, for competent reasons. Daily tool box meetings are still required to discuss the overall work plan.</p> <p><u>Committee</u>: The redraft of this section should address these concerns. TCP training is left to the employer, but all the employer must do is ensure that it occurs. The WSCC training program could be mentioned in the code of practice, and having workers attend that would be an indicator that an employer has met para (3)(a). If stakeholders think the adoption of standards re: signage and devices is a good idea, they could recommend to the CSO a standard for adoption.</p>
<p>(4) The employer shall ensure that</p> <ul style="list-style-type: none"> (a) workers are trained in the traffic control plan; and (b) the traffic control plan is made readily available for reference by workers at the work site. 	<p>(4) An employer shall use designated signallers to control traffic on a highway only where other methods of traffic control are not adequate or suitable.</p>	<p><u>Stakeholders</u>: Difficult to identify when [other methods are needed, as] there is no control over the public.</p> <p><u>Committee</u>: The comment appears to be directed at what happens if public traffic does not follow traffic control directions at the work site. Subsection 148(5) has been added and may address this concern, but when traffic on a highway is involved, the <i>Motor Vehicle Act</i> will also apply. New ss.(8) is also added to clarify the role of the MVA.</p>
	<p>(5) Where designated signallers are used to control traffic on a highway, an employer shall provide</p> <ul style="list-style-type: none"> (a) at least one designated signaller if 	

	<ul style="list-style-type: none"> (i) traffic approaches from one direction only, or (ii) traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would be clearly visible to one another; and (b) at least two designated signallers if traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would not be clearly visible to one another. 	
	<ul style="list-style-type: none"> (6) The traffic control plan must <ul style="list-style-type: none"> (a) be in writing; (b) be made readily available for reference by workers at the work site; and (c) set out, where appropriate <ul style="list-style-type: none"> (i) the maximum allowable speed of any vehicle or class of vehicles, including powered mobile equipment, in use at the work site, (ii) the maximum operating grades, (iii) the location and type of control signs, (iv) the route to be taken by vehicles, (v) the priority to be established for classes of vehicle, (vi) the location and type of barriers or restricted areas, and (vii) the duties of workers and the employer. 	
	<ul style="list-style-type: none"> (7) A worker who operates a vehicle or unit 	

	of powered mobile equipment at a work site and who does not have a clear view of the path to be travelled shall not proceed until a person who has a clear view of the path to be travelled by the vehicle or unit of powered mobile equipment signals to the worker that it is safe to proceed.	
	(8) Where a provision of this section conflicts with a provision of the <i>Motor Vehicles Act</i> or <i>All-terrain Vehicles Act</i> , a regulation made pursuant to any of those Acts or a bylaw of a municipality made under any enactment, the provision of that other enactment prevails.	<u>Committee</u> : This may address, in part, the question raised at ss. (1) about bicycles. Of course bicycles might be used at a work site other than a highway.
Traffic Control	Removed	
149.(1) An employer shall use designated signallers to control traffic, whether on a highway or at any other work site, only where other methods of traffic control are not adequate or suitable.	Removed	<u>Stakeholders</u> : New training and documentation requirements. While [we] supports the objective, this may create difficulties for employers as there is no training program in the NT or NU that covers this. Further, this training is not covered in the apprenticeship training for line staff. <u>Committee</u> : On further review the committee considered that the draft sections 148-150 would interfere with the execution of the duties of a peace officer. Furthermore, sections 149 and 150 are integral parts of a traffic control plan established under s. 148, so have been moved into that section.
(2) Where designated signallers are used the employer shall provide (a) at least one designated signaller if (i) traffic approaches from one direction only, or (ii) traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would be clearly visible to one another;	Removed	

<p>and (b) at least two designated signallers if traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would not be clearly visible to one another.</p>		
<p>Clear View for Powered Mobile Equipment</p>	<p>Removed</p>	
<p>150.A worker, who operates a vehicle or unit of powered mobile equipment at a work site and who does not have a clear view of the path to be travelled, shall not proceed until a person, who has a clear view of the path, signals to the worker that it is safe to proceed.</p>	<p>Removed</p>	

<p>PART 10 MACHINE SAFETY</p>	<p>PART 10 MACHINE SAFETY</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • It is our view that this section is much too prescriptive. For example, the proposed regulations provide requirements that regulate the use of many specific types of equipment such as belts, grinders, and saws. The industry has developed safe operating procedures for the use of equipment in their specific workplaces. We suggest that much of the detail that is included in this section of the regulation should be provided in a code of practice rather than in the regulation itself. • Preferred wording for this section would be: <ul style="list-style-type: none"> An employer must: <ul style="list-style-type: none"> a. Develop and implement safe work procedures respecting all machines and tools used in the workplace; b. Train workers in the safe work procedures; and c. Ensure that workers comply with the safe work procedures. • The safe work procedures must include practices and procedures dealing with the lockout of machines used in the workplace. <ul style="list-style-type: none"> An employer must ensure that a worker is: <ul style="list-style-type: none"> a. Informed of any risks associated with a machine or tool used in the workplace; and b. Provided with information, instruction and training in the safe use
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		<p>and operation of the machine or tool.</p> <ul style="list-style-type: none"> We support these provisions. In our view the prescriptive nature of this Part will be a valuable addition to the regulations and will enhance significantly the health and safety of northern workers involved in this type of work. <p><u>Committee:</u> This Part is not particularly prescriptive. It is less prescriptive than the current GSRs (see sections 97-151 for example). This level of detail is not without precedent in other jurisdictions.</p>
Interpretation	Interpretation	
151. In this Part, "power tool" means a hand-held machine that is powered by energy other than the energy of a worker.	151. In this Part, "power tool" means a hand-held machine that is powered by energy other than the energy of a worker.	
	Manufacturer's Specifications	
	151.1. An employer or supplier shall ensure that each machine or other equipment under this Part is constructed, repaired, inspected, tested, maintained and operated in accordance with the manufacturer's specifications or an approved standard.	<u>Committee:</u> Added.
Operation by Worker	Operation by Worker	
152. (1) An employer shall, in respect of machines at the work site, ensure that <ul style="list-style-type: none"> (a) the machines are operated only by a competent worker; and (b) workers are informed of any risk associated with, and trained in the safe use of, the machines. 	152. (1) An employer shall, in respect of machines at the work site, ensure that <ul style="list-style-type: none"> (a) the machines are operated only by a competent worker; and (b) workers are informed of any risk associated with, and trained in the safe use of, the machines. 	<p><u>Stakeholders:</u> Suggestion: Add the following:</p> <ul style="list-style-type: none"> c. workers that are incompetent or untrained shall be prevented from using powered machines until properly trained. d. any powered machinery or tool is operated in lighted conditions sufficient for safe operation of that machine or tool. <p><u>Committee:</u></p> <ul style="list-style-type: none"> If a worker is not competent and is

		<p>allowed operate a machine, the employer is in violation of this subsection. An untrained worker might be a worker undergoing training and even though not qualified, may still be competent under supervision by a competent worker. Proposed paragraph (c) will interfere with this.</p> <ul style="list-style-type: none"> • Lighting of a work site is dealt with in section 80.
(2) Before starting a machine, an operator shall ensure that neither the operator nor any other worker will be endangered by starting the machine.	(2) Before starting a machine, an operator shall ensure that neither the operator nor any other worker will be endangered by starting the machine.	
(3) Where a worker or a worker's clothing may contact a moving part of a machine, an employer shall ensure that the worker <ul style="list-style-type: none"> (a) wears close-fitting clothing; (b) confines or cuts short any head and facial hair; and (c) does not wear dangling neckwear or jewellery, rings or other similar items. 	(3) Where a worker or a worker's clothing may contact a moving part of a machine, an employer shall ensure that the worker <ul style="list-style-type: none"> (a) wears close-fitting clothing; (b) confines or cuts short any head and facial hair; and (c) does not wear dangling neckwear or jewellery, rings or other similar items. 	
Operating Controls	Operating Controls	
153. (1) Where reasonably practicable, an employer or supplier shall ensure that operating controls on a machine <ul style="list-style-type: none"> (a) are located within easy reach of the operator; and (b) cannot be activated by accidental contact. 	153. (1) Where reasonably practicable, an employer or supplier shall ensure that operating controls on a machine <ul style="list-style-type: none"> (a) are located within easy reach of the operator; and (b) cannot be activated by accidental contact. 	<p><u>Stakeholders</u>: Suggestion: Add the following: c. easily identifiable and readable through clear labelling and can be read by the operator.</p> <p><u>Committee</u>: Section 6.1 of the Act addresses this concern in terms of the obligations of a supplier. Section 31 of the draft should address the concern in terms of the obligations of an employer (and a worker), for instance where the labelling or decals wear off.</p>
(2) Where reasonably practicable, an employer or supplier shall ensure that stopping	(2) Where reasonably practicable, an employer or supplier shall ensure that stopping	

<p>devices on the machine are</p> <ul style="list-style-type: none"> (a) located in the direct view and within easy reach of the operator; and (b) readily identifiable. 	<p>devices on the machine are</p> <ul style="list-style-type: none"> (a) located in the direct view and within easy reach of the operator; and (b) readily identifiable. 	
<p>(3) Where a worker is required to feed material into a material forming press, punch, shear or similar machine, an employer or supplier shall</p> <ul style="list-style-type: none"> (a) where practicable, install a positive means to prevent the activation of the machine while any part of the worker's body could be injured by moving parts of the machine; or (b) where it is not practicable to comply with paragraph (a), install safeguards to prevent the worker from contacting a moving part of the machine. 	<p>(3) Where a worker is required to feed material into a material forming press, punch, shear or similar machine, an employer or supplier shall</p> <ul style="list-style-type: none"> (a) where practicable, install a positive means to prevent the activation of the machine while any part of the worker's body could be injured by moving parts of the machine; or (b) where it is not practicable to comply with paragraph (a), install safeguards to prevent the worker from contacting a moving part of the machine. 	
<p>Unattended and Suspended Machines</p>	<p>Unattended and Suspended Machines</p>	
<p>154. (1) An employer shall not require or permit a worker to leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been</p> <ul style="list-style-type: none"> (a) immobilized and secured against accidental movement; or (b) enclosed by a safeguard to prevent access by any other worker to the machine or part. 	<p>154. (1) An employer shall not require or permit a worker to leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been</p> <ul style="list-style-type: none"> (a) immobilized and secured against accidental movement; or (b) enclosed by a safeguard to prevent access by any other worker to the machine or part. 	<p><u>Stakeholders</u>: Loads should not be left suspended at any time unless it is designed specifically for that purpose.</p> <p><u>Committee</u>: Agree. Note section 218 and subsection 227(5).</p>
<p>(2) A worker shall not leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been</p> <ul style="list-style-type: none"> (a) immobilized and secured against accidental movement; or (b) enclosed by a safeguard to prevent access by any other worker to the machine or part. 	<p>(2) A worker shall not leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been</p> <ul style="list-style-type: none"> (a) immobilized and secured against accidental movement; or (b) enclosed by a safeguard to prevent access by any other worker to the machine or part. 	
<p>Safeguards</p>	<p>Safeguards</p>	

<p>155.(1) Except where otherwise provided by these regulations, an employer shall provide an effective safeguard where a worker may contact</p> <ul style="list-style-type: none"> (a) a dangerous moving part of a machine; (b) a pinch point, cutting edge or point of a machine at which material is cut, shaped, bored or formed; (c) an open flame; (d) a steam pipe or other surface with a temperature that exceeds or may exceed 80°C; or (e) a cooled surface that is or may be less than -80°C. 	<p>155.(1) Except where otherwise provided by these regulations, an employer shall provide an effective safeguard where a worker may contact</p> <ul style="list-style-type: none"> (a) a dangerous moving part of a machine; (b) a pinch point, cutting edge or point of a machine at which material is cut, shaped, bored or formed; (c) an open flame; (d) a steam pipe or other surface with a temperature that exceeds or may exceed 80°C; or (e) a cooled surface that is or may be less than -80°C. 	<p><u>Stakeholders:</u> the moving part may be the worker relative to the machine</p> <p><u>Committee:</u> The wording of this section establishes the frame of reference with respect to the worker, not with respect to the machine.</p> <p><u>Stakeholders:</u> Suggestion: Add the following:</p> <ul style="list-style-type: none"> g. any jet of air exceeding __ PSI h. any coherent light source used in metal or cutting operations <p><u>Committee:</u></p> <ul style="list-style-type: none"> • See discussion on the use of the metric system at page 10. • Jets of air are covered under section 33 Prohibited Use of Compressed Air. Part 7 PPE will also apply. • "Safeguards" and "PPE" are defined differently in section 1. • The use of coherent light means the use of a laser beam. Laser radiation safety is dealt with in Part 23 Radiation. • Eye and face protectors and skin protection are dealt with in Part 7 at sections 104 and 105.
<p>(2) An employer shall ensure that a safeguard required by subsection (1) remains in place at all times.</p>	<p>(2) An employer shall ensure that a safeguard required by subsection (1) remains in place at all times.</p>	
<p>(3) Subsection (1) does not apply to</p> <ul style="list-style-type: none"> (a) a machine that is equipped with an effective safety device that stops the machine automatically before any part of a worker's body comes into contact with a hazard referred to in paragraph (1)(a) or (b); or (b) a belt, rope or chain that is operated 	<p>(3) Subsection (1) does not apply to</p> <ul style="list-style-type: none"> (a) a machine that is equipped with an effective safety device that stops the machine automatically before any part of a worker's body comes into contact with a hazard referred to in paragraph (1)(a) or (b); or (b) a belt, rope or chain that is operated 	

<p>from a cathead or capstan.</p>	<p>from a cathead or capstan.</p>	
<p>(4) An employer shall ensure that a safeguard that is removed from a machine or made ineffective to permit maintenance, testing, repair or adjustment of a machine is replaced or made effective before a worker is required or permitted to use the machine.</p>	<p>(4) An employer shall ensure that a safeguard that is removed from a machine or made ineffective to permit maintenance, testing, repair or adjustment of a machine is replaced or made effective before a worker is required or permitted to use the machine.</p>	
<p>(5) Where there is a possibility of machine failure and of injury to a worker resulting from the failure, an employer shall install safeguards strong enough to withstand the impact of debris from the machine failure and to contain any debris resulting from the machine failure.</p>	<p>(5) Where there is a possibility of machine failure and of injury to a worker resulting from the failure, an employer shall install safeguards strong enough to withstand the impact of debris from the machine failure and to contain any debris resulting from the machine failure.</p>	<p><u>Stakeholders:</u> Suggestion: Expand this subsection and add: "and to contain any debris resulting from the machine failure or from the sudden failure of the work being machined or treated." <u>Committee:</u> A "safeguard" is a defined term in section 1. The function of a safeguard is not to contain debris but rather to protect the safety of workers.</p>
<p>Warning Systems</p>	<p>Warning Systems</p>	
<p>156. (1) An employer shall, where the circumstances described in subsection (2) exist, install</p> <ul style="list-style-type: none"> (a) an audible alarm system that provides a warning of sufficient volume and for a sufficient period before start up of the machine to give workers timely notice of the imminent start up; or (b) a distinctive and conspicuous visual warning system to alert workers of the imminent start up of the machine. 	<p>156. (1) An employer shall, where the circumstances described in subsection (2) exist, install</p> <ul style="list-style-type: none"> (a) an audible alarm system that provides a warning of sufficient volume and for a sufficient period before start up of the machine to give workers timely notice of the imminent start up; or (b) a distinctive and conspicuous visual warning system to alert workers of the imminent start up of the machine. 	
<p>(2) Subsection (1) applies where</p> <ul style="list-style-type: none"> (a) a worker may be endangered by moving machine parts when a machine is started; and (b) the operator of the machine does not have a clear view from the operating position of all parts of the 	<p>(2) Subsection (1) applies where</p> <ul style="list-style-type: none"> (a) a worker may be endangered by moving machine parts when a machine is started; and (b) the operator of the machine does not have a clear view from the operating position of all parts of the 	<p><u>Stakeholders:</u> Operators do not have a clear view of engines when starting. <u>Committee:</u> If an operator does not have a clear view then the warning systems are critical for OHS of workers. Safe work procedures should be in place in addition to warning systems.</p>

machine and of the surrounding area in which there is a potential danger.	machine and of the surrounding area in which there is a potential danger.	
(3) An employer shall place adequate, appropriate and clearly visible warning signs at each point of access to a machine that starts automatically.	(3) An employer shall place adequate, appropriate and clearly visible warning signs at each point of access to a machine that starts automatically.	
Locking Out	Locking Out	
157. (1) In this section, "lockout device" means any device used to put a machine into a locked out state.	157. (1) Subject to section 158, an employer shall, before a worker undertakes the maintenance, repair, test or adjustment of a machine other than a power tool, ensure that the machine is locked out and remains locked out during that activity.	<p><u>Committee:</u> Subsection (1) is unnecessary. In section 1, there is a definition for "locked out": "locked out" means to have isolated all energy sources from equipment, to have dissipated any residual energy in a system and to have secured the isolation by a device that is operated by a key or other process;</p> <p>This definition is quite different from that in section 1 of the current GSRs: "locked out" means a condition that prevents movement of control devices to the "operating" or "on" position;</p> <p>The new definition adds the idea of isolation and dissipation of energy from the system, versus simply preventing the movement of control devices.</p> <p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Suggest removing phrase "if not doing so would put the worker at risk." • suggests deletion of "if it would put a worker at risk" <p><u>Committee:</u> This is done in the new subsection (1).</p> <p><u>Stakeholders:</u> Suggestion: Add the following: ... that all energy sources have been isolated</p>
(2) Subject to section 158, an employer shall, before a worker undertakes the maintenance, repair, test or adjustment of a machine other than a power tool, ensure that the machine is locked out and remains locked out during that activity if not doing so would put the worker at risk.	(2) Before a worker undertakes the maintenance, repair, test or adjustment of a power tool, an employer shall ensure that the energy source has been isolated from the power tool, any residual energy in the power tool has been dissipated and the energy source remains isolated during that activity.	
(3) An employer shall, before a worker undertakes the maintenance, repair, test or adjustment of a power tool, ensure that the energy source has been isolated from the power tool, any residual energy in the power tool has been dissipated and the energy source remains isolated during that activity.	(3) An employer shall <ul style="list-style-type: none"> (a) provide a written lockout process to each worker who is required to work on a machine to which subsection (2) applies; and (b) where the lockout process uses a lock and key, issue to that worker a lock that is operable only by that worker's key. 	
(4) An employer shall <ul style="list-style-type: none"> (a) provide a written lockout process to each worker who is required to work on a machine to which subsection (2) applies; and (b) where the lockout process uses a lock and key, issue to that worker a 	(4) Where the lockout process does not use a lock and key, an employer shall designate a person to coordinate and control the lock out process.	

<p>lock that is operable only by that worker's key.</p>		<p>...</p>
<p>(5) Where the lockout process does not use a lock and key, an employer shall designate a person to coordinate and control the lock out process.</p>	<p>(5) Where the lockout process uses a lock and key, an employer shall designate a person to keep the duplicate key mentioned in paragraph (3)(b) and ensure that</p> <ul style="list-style-type: none"> (a) the duplicate key is accessible only to the designated person; and (b) a log book is kept to record the use of the duplicate key and the reasons for that use. 	<p><u>Committee:</u> Under subsection 27(3) of the <i>Interpretation Act</i>, the plural means the singular and the singular means the plural. The use of "the energy source" is sufficient and includes multiple energy sources used by the system.</p> <p>Throughout this section, mention of the "supervisor" is changed to "designated person", because in some work locations the designated duplicate key-holder may not be a supervisor of the primary key-holder.</p>
<p>(6) Where it is not practicable to use a worker's key to remove a lock, an employer may permit a supervisor to remove the lock if the employer and supervisor</p> <ul style="list-style-type: none"> (a) have determined the reason that the worker's key is not available; (b) have determined that it is safe to remove the lock and activate the machine; and (c) have informed the Committee members or the occupational health and safety representative before removal. 	<p>(6) Where it is not practicable to use a worker's key to remove a lock, an employer may permit the person designated pursuant to subsection (5) to remove the lock if the designated person</p> <ul style="list-style-type: none"> (a) has determined the reason that the worker's key is not available; (b) has determined that it is safe to remove the lock and activate the machine; and (c) if a Committee is in place, has informed the co-chairpersons or the representative of the proposed use of the duplicate key before it is used. 	<p><u>Stakeholders:</u> RE: Subsection (6) Not a required action for the committee since they only meet quarterly in the document.</p> <p><u>Committee:</u> The OHS Committee, although it may only meet at least quarterly, is still concerned with OHS on a continuing basis. Only formal business is carried out at the formal meetings. Subsection (6) gives the OHS Committee a role where the key control aspect of a lock-out system has failed and a back-up system must be used.</p>
<p>(7) An employer shall ensure that the supervisor referred to in subsection (6)</p> <ul style="list-style-type: none"> (a) records in the log book the removal of the lock including, the reason and date; and (b) signs the log book. 	<p>(7) An employer shall ensure that the designated person who is permitted to use a duplicate key pursuant to subsection (6)</p> <ul style="list-style-type: none"> (a) records in the log book the removal of the lock including, the reason for its use and the date of its use; and (b) signs the log book each time that the duplicate key is used. 	<p><u>Stakeholders:</u> RE: Subsection (6) Not practicable as is too vague could mean the key is available but it is inconvenient</p> <p><u>Committee:</u> Stakeholder's concern is with the use of "practicable". This is reasonable and it will result in some form of investigation by the Committee or representative and employer.</p>
<p>(8) Where a central automated system controls more than one machine, an employer shall ensure that the machine to be maintained,</p>	<p>(8) Where a central automated system controls more than one machine, an employer shall ensure that the machine to be maintained,</p>	<p><u>Stakeholders:</u> The machine may be inoperative but that does not mean that all hazards have</p>

<p>repaired, tested or adjusted is isolated from the central system before the lockout process required by subsection (4) are implemented.</p>	<p>repaired, tested or adjusted is isolated from the central system before the lockout process required by subsection (3) is implemented.</p>	<p>been neutralized or that it is safe to work on: calls for the worker ensuring that all hazards have been neutralized and that the machine is safe to work on.</p>
<p>(9) Before undertaking any maintenance, repairs, tests or adjustments to a machine to which subsection (2) applies, a worker shall render the machine into a locked out state following the lockout process referred to in paragraph (4)(a).</p>	<p>(9) Before undertaking any maintenance, repairs, tests or adjustments to a machine to which subsection (1) applies, a worker shall lock out the machine following the lockout process referred to in paragraph (3)(a).</p>	<p><u>Committee:</u> "Locked out" is a defined term in section 1. A machine that is locked out may well have hazards present such as sharp edges. Hazards can be identified and steps taken to minimize the risk that they pose to workers. The proposed change would render it impossible for workers to work on machines that are not locked out, in motion or energized.</p>
<p>(10) After a lockout process has been initiated, the worker who installed the first lock or initiated the process shall check the machine to ensure that the machine is inoperative.</p>	<p>(10) After a lockout device has been installed or a lockout process has been initiated, the worker who installed the device or initiated the process shall check the machine to ensure that the machine is inoperative.</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Re: "locked out" This is a much higher standard than the previous one. • Is it realistic given the breadth of people and equipment we have across the North?
<p>(11) No person shall deactivate a lockout process that does not use a lock and key except the person designated pursuant to subsection (5).</p>	<p>(11) No person shall deactivate a lockout process that does not use a lock and key except the person designated pursuant to subsection (4).</p>	<p><u>Committee:</u></p> <ul style="list-style-type: none"> • An energized piece of electrical equipment could be "locked out" under the current GSRs, but is still energized and still poses a hazard. Under the consultation draft, the energy has to be dissipated before it is "locked out". The consultation draft definition provides more protection for workers. • It is realistic. This section is subject to section 158. A machine may still be worked upon while all or any part of it is in motion or under power.
<p>(12) No person shall remove a lockout device except</p> <ul style="list-style-type: none"> (a) the worker who installed the lockout device; or (b) the supervisor referred to in subsection (6). 	<p>(12) No person shall remove a lockout device except</p> <ul style="list-style-type: none"> (a) the worker who installed the lockout device; or (b) the designated person acting in accordance with subsection (6). 	
<p>Cleaning or Maintaining Machine in Motion</p>	<p>Cleaning or Maintaining Machine in Motion</p>	
<p>158. (1) This section applies where any of the following requires cleaning, lubrication or</p>	<p>158. (1) This section applies where any of the following requires cleaning, lubrication or</p>	<p><u>Stakeholders:</u> Suggestions about paragraphs and the use of "other piece of equipment" and</p>

<p>adjustment while all or any part of a machine or other piece of equipment is in motion or under power:</p> <ul style="list-style-type: none"> (a) the machine or other piece of equipment; (b) a part of the machine or of the piece of other equipment; (c) any material on the machine or on the piece of equipment. 	<p>adjustment while all or any part of a machine or other piece of equipment is in motion or under power:</p> <ul style="list-style-type: none"> (a) the machine or other piece of equipment; (b) a part of the machine or of the piece of other equipment; (c) any material on the machine or on the piece of equipment. 	<p>variants.</p> <p><u>Committee</u>: Unchanged so as to maintain harmonization with other national legislation (particularly that of Saskatchewan).</p>
<p>(2) An employer shall</p> <ul style="list-style-type: none"> (a) and implement written work practices and procedures that ensure that the cleaning, lubrication or adjustment is carried out in a safe manner; (b) ensure that workers who are required to perform the cleaning, lubrication or adjustment are trained in the written work practices and procedures referred to in paragraph (a); and (c) ensure that a copy of the written work practices and procedures referred to in clause (a) is readily available for reference by workers. 	<p>(2) An employer shall</p> <ul style="list-style-type: none"> (a) develop and implement written work practices and procedures that ensure that the cleaning, lubrication or adjustment is carried out in a safe manner; (b) ensure that workers who are required to perform the cleaning, lubrication or adjustment are trained in the written work practices and procedures referred to in paragraph (a); and (c) ensure that a copy of the written work practices and procedures referred to in clause (a) is readily available for reference by workers. 	
<p>Belts</p>	<p>Belts</p>	
<p>159.(1) An employer shall ensure that a permanent belt shifter is</p> <ul style="list-style-type: none"> (a) provided for all loose pulleys on any machine; and (b) constructed so that the belt cannot creep back on to the tight pulley. 	<p>159.(1) An employer shall ensure that a permanent belt shifter is</p> <ul style="list-style-type: none"> (a) provided for all loose pulleys on any machine; and (b) constructed so that the belt cannot creep back on to the tight pulley. 	<p><u>Stakeholders</u>: Do we still have these?</p> <p><u>Committee</u>: It does not matter if these exist or do not exist in NT or NU. What matters is that they could exist.</p>
<p>(2) An employer shall ensure that a worker does not shift a belt on a machine by hand while the belt is in motion.</p>	<p>(2) An employer shall ensure that a worker does not shift a belt on a machine by hand while the belt is in motion.</p>	
<p>Air-Actuated Fastening Tools</p>	<p>Air-Actuated Fastening Tools</p>	
<p>160.An employer shall ensure that a worker does</p>	<p>160.An employer shall ensure that a worker does</p>	<p><u>Stakeholders</u>: Too vague recommend using</p>

<p>not hold the trigger of an air-actuated fastening tool mechanically in the operating position unless the tool is specifically designed to be used in that manner.</p>	<p>not hold the trigger of an air-actuated fastening tool mechanically in the operating position unless the tool is specifically designed to be used in that manner.</p>	<p>MHSR requirements.</p> <p><u>Committee</u>: MHSRs fall under a different Act and what applies in mines is not necessarily universally applicable to all work sites.</p> <p><u>Stakeholders</u>: Must be maintained in accordance with manufacturer specifications.</p> <p><u>Committee</u>: Covered under section 31.</p>
<p>Explosive-Actuated Fastening Tools</p>	<p>Explosive-Actuated Fastening Tools</p>	
<p>161. (1) In this section, "explosive-actuated fastening tool" means a machine that propels or discharges, by means of an explosive force, a fastening device to attach the fastening device on, affix the fastening device to or cause the fastening device to penetrate another object or material.</p>	<p>161. (1) In this section, "explosive-actuated fastening tool" means a machine that propels or discharges, by means of an explosive force, a fastening device to attach the fastening device on, affix the fastening device to or cause the fastening device to penetrate another object or material.</p>	<p><u>Stakeholders</u>: It is a power tool not a machine and should the manufacturer not be required to comply with a CSA code?</p> <p><u>Committee</u>: In the revision that term is modified in section 1: "machine" means any combination of mechanical parts that transmits from one part to another or otherwise <u>modifies force, motion or energy</u>; Even under the consultation draft an explosive-actuated fastening tool was a machine because it modifies a force that is it directs it (a change in direction of a force is an acceleration -- recall force, motion and acceleration are vectors).</p>
<p>(2) An employer shall ensure that a worker who operates explosive-actuated fastening tool systems is trained in and uses safe work procedures for any explosive-actuated fastening tool that the worker may operate, including</p> <ul style="list-style-type: none"> (a) the selection of the appropriate tool, accessories, fastener and power load for each application; (b) the limitations of each type of tool, fastener and power load; and (c) the maintenance, inspection and use 	<p>(2) An employer shall ensure that a worker who operates explosive-actuated fastening tool systems is trained in and uses safe work procedures for any explosive-actuated fastening tool that the worker may operate, including</p> <ul style="list-style-type: none"> (a) the selection of the appropriate tool, accessories, fastener and power load for each application; (b) the limitations of each type of tool, fastener and power load; and (c) the maintenance, inspection and 	

of the tool.	use of the tool.	
<p>(3) An employer shall ensure that a worker who operates an explosive-actuated fastening tool</p> <ul style="list-style-type: none"> (a) does not leave the tool or explosive charges unattended; (b) stores the tool and explosive charges in a locked container when not in use; and (c) uses an industrial eye or face protector and hearing protectors that meets the requirements of Part 7. 	<p>(3) An employer shall ensure that a worker who operates an explosive-actuated fastening tool</p> <ul style="list-style-type: none"> (a) does not leave the tool or explosive charges unattended; (b) stores the tool and explosive charges in a locked container when not in use; and (c) uses an industrial eye or face protector and hearing protectors that meets the requirements of Part 7. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Uses adequate hearing protection sufficient to provide protection during extended use of explosive actuated tools. • Need to highlight a clean barrel before use <p><u>Committee:</u> Use of adequate hearing protection is probably a safe work procedure under subsection (2). Part 8 Noise Control and Hearing Conservation, will also apply. Cleaning a barrel before use is covered under subsection (2).</p>
Airless Spray Units	Airless Spray Units	
<p>162. Where a worker is required or permitted to use an airless spray unit that is capable of operating at a pressure greater than 7 MPa, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the gun, the reservoir and the pump are bonded to ground with a single continuous approved bonding conductor; and (b) the gun is fitted with suitable tip and trigger guards. 	<p>162. Where a worker is required or permitted to use an airless spray unit that is capable of operating at a pressure greater than 7 MPa, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the gun, the reservoir and the pump are bonded to ground with a single continuous approved bonding conductor; and (b) the gun is fitted with suitable tip and trigger guards. 	<p><u>Stakeholders:</u> Clarification required: How many PSI is 7MPa? Painters work in foot pounds.</p> <p><u>Committee:</u> See Part 2 of this volume for comments on the use of the metric system.</p> <p><u>Stakeholders:</u> Suggestion to add:</p> <ul style="list-style-type: none"> c. the worker shall use respiratory protection suitable to the work and machinery. <p><u>Committee:</u> Covered under Part 7 and especially section 98.</p>
Grinding Machines	Grinding Machines	
<p>163. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) abrasive wheel is operated <ul style="list-style-type: none"> (i) unless it is equipped with blotters installed according to the manufacturer's recommendations and a safeguard, or (ii) at a speed in excess of the 	<p>163. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) no abrasive wheel is operated <ul style="list-style-type: none"> (i) unless it is equipped with blotters installed according to the manufacturer's recommendations and a safeguard, or (ii) at a speed in excess of the 	<p><u>Stakeholders:</u> Should include protection from dust inhalation.</p> <p><u>Committee:</u> Covered under Part 7 and especially section 98. See subsection (4).</p> <p><u>Stakeholder:</u> Should add in a provision that grinding wheel must only be used to grind</p>

<p>manufacturer's recommendations;</p> <p>(b) the maximum speed of each grinder shaft in revolutions per minute is permanently marked on the grinder; and</p> <p>(c) the mounting flanges for an abrasive wheel have an equal and correct diameter for the wheel.</p>	<p>manufacturer's recommendations;</p> <p>(b) the maximum speed of each grinder shaft in revolutions per minute is permanently marked on the grinder; and</p> <p>(c) the mounting flanges for an abrasive wheel have an equal and correct diameter for the wheel.</p>	<p>material that it has been designed for.</p> <p><u>Committee</u>: Section 151.1 added.</p>
<p>(2) Where a tool rest is installed on a fixed grinder, an employer shall ensure that the tool rest is</p> <p>(a) installed in a manner that is compatible with the work process;</p> <p>(b) securely attached to the grinder; and</p> <p>(c) set not more than 3 mm from the face of the wheel or below the horizontal centre line of the wheel.</p>	<p>(2) Where a tool rest is installed on a fixed grinder, an employer shall ensure that the tool rest is</p> <p>(a) installed in a manner that is compatible with the work process;</p> <p>(b) securely attached to the grinder; and</p> <p>(c) set not more than 3 mm from the face of the wheel or below the horizontal centre line of the wheel.</p>	
<p>(3) An employer shall not require or permit a worker to use the sides of an abrasive wheel for grinding unless the abrasive wheel is designed for that use.</p>	<p>(3) An employer shall not require or permit a worker to use the sides of an abrasive wheel for grinding unless the abrasive wheel is designed for that use.</p>	
<p>(4) An employer shall ensure that a worker who operates a grinder</p> <p>(a) is provided with and uses the following personal protective equipment that meets the requirements of Part 7:</p> <p>(i) an industrial eye or face protector,</p> <p>(ii) hand or arm protection; and</p> <p>(b) is instructed in the potential hazards and safe use of the grinder.</p>	<p>(4) An employer shall ensure that a worker who operates a grinder</p> <p>(a) is provided with and uses the following personal protective equipment that meets the requirements of Part 7:</p> <p>(i) an industrial eye or face protector,</p> <p>(ii) hand or arm protection; and</p> <p>(b) is instructed in the potential hazards and safe use of the grinder.</p>	
<p>Chainsaws</p>	<p>Chainsaws</p>	
<p>164. (1) An employer or supplier shall ensure that a chainsaw is</p>	<p>164. (1) An employer or supplier shall ensure that a chainsaw is</p>	

<ul style="list-style-type: none"> (a) equipped with an effective chain brake or a chain and bar that is designed to minimize the possibility of a kickback; and (b) designed and constructed so that the chain stops when the engine is at idle. 	<ul style="list-style-type: none"> (a) equipped with an effective chain brake or a chain and bar that is designed to minimize the possibility of a kickback; and (b) designed and constructed so that the chain stops when the engine is at idle. 	
<p>(2) Where a chainsaw is to be used by a worker operating from an elevated cage or basket, the width of which is less than twice the length of the chainsaw, an employer shall ensure that a secondary platform is installed outside the cage or basket and is used to store the chainsaw and to start the chain saw engine.</p>	<p>(2) Where a chainsaw is to be used by a worker operating from an elevated cage or basket, the width of which is less than twice the length of the chainsaw, an employer shall ensure that a secondary platform is installed outside the cage or basket and is used to store the chainsaw and to start the chainsaw engine.</p>	<p><u>Stakeholders:</u> Will be a problem area and will require equipment refit for linemen and tree trimmer baskets on bucket trucks.</p> <p><u>Committee:</u> This provision is intended to ensure that chainsaws are stored and started safely outside of a basket where the worker is located.</p>
<p>(3) An employer shall ensure that a worker who operates a chainsaw</p> <ul style="list-style-type: none"> (a) stops the chain while the worker is walking with the chainsaw; (b) does not operate the chainsaw at a height that is higher than the worker's shoulder level; (c) holds the chainsaw firmly in both hands; and (d) maintains the chainsaw, cutting chain and safeguards in safe operating condition. 	<p>(3) An employer shall ensure that a worker who operates a chainsaw</p> <ul style="list-style-type: none"> (a) stops the chain while the worker is walking with the chainsaw; (b) does not operate the chainsaw at a height that is higher than the worker's shoulder level; (c) holds the chainsaw firmly in both hands; and (d) maintains the chainsaw, cutting chain and safeguards in safe operating condition. 	
<p>(4) A worker who operates a chainsaw</p> <ul style="list-style-type: none"> (a) shall stop the chain while the worker is walking with the chainsaw; (b) shall not operate the chainsaw at a height that is higher than the worker's shoulder level; (c) shall hold the chainsaw firmly in both hands; (d) shall maintain the chainsaw, cutting chain and safeguards in safe operating condition; and 	<p>(4) A worker who operates a chainsaw</p> <ul style="list-style-type: none"> (a) shall stop the chain while the worker is walking with the chainsaw; (b) shall not operate the chainsaw at a height that is higher than the worker's shoulder level; (c) shall hold the chainsaw firmly in both hands; (d) shall maintain the chainsaw, cutting chain and safeguards in safe 	

(e) shall maintain the chainsaw so that the chain stops when the engine is at idle.	operating condition; and (e) shall maintain the chainsaw so that the chain stops when the engine is at idle.	
Circular Saws	Circular Saws	
165.(1) Subject to subsection (2), where a circular saw blade develops a crack in the outside edge of the saw blade, an employer shall ensure that the blade is discarded unless (a) the blade is effectively repaired by a competent person; and (b) the original blade tension is restored.	165.(1) Subject to subsection (2), where a circular saw blade develops a crack in the outside edge of the saw blade, an employer shall ensure that the blade is discarded unless (a) the blade is effectively repaired by a competent person; and (b) the original blade tension is restored.	<u>Stakeholder</u> Should have reference to cracked blades not to be used. [Our] view is that blade repair is not a viable option in NT. <u>Committee</u> : One can replace the blade or get it fixed. Best practice may be to replace. <u>Stakeholders</u> : re: s. 166(1) who is qualified? <u>Committee</u> : The term used here is “competent” - a defined term in section 1.
(2) An employer shall ensure that a circular saw blade that develops a crack from the eye or the collar is discarded.	(2) An employer shall ensure that a circular saw blade that develops a crack from the eye or the collar is discarded.	
(3) An employer or supplier shall ensure that a portable hand operated circular saw is equipped with a safeguard that will automatically cover the exposed part of the blade during use and the entire blade when the saw is not in use.	(3) An employer or supplier shall ensure that a portable hand operated circular saw is equipped with a safeguard that will automatically cover the exposed part of the blade during use and the entire blade when the saw is not in use.	
Power Fed Circular Saws	Power Fed Circular Saws	
166.(1) An employer or supplier shall ensure that a power fed circular rip saw with horizontal, power driven feed rolls is equipped with a sectional non-kickback device located in front of the saw blade and across the full width of the rolls.	166.(1) An employer or supplier shall ensure that a power fed circular rip saw with horizontal, power driven feed rolls is equipped with a sectional non-kickback device located in front of the saw blade and across the full width of the rolls.	
(2) An employer or supplier shall ensure that a power fed circular rip saw (a) is equipped with a splitter that extends to the height of the top of the saw blade; and (b) has a saw blade that is equipped	(2) An employer or supplier shall ensure that a power fed circular rip saw (a) is equipped with a splitter that extends to the height of the top of the saw blade; and (b) has a saw blade that is equipped	

with a safeguard or located so that a worker cannot reach it.	with a safeguard or located so that a worker cannot reach it.	
Band Saws	Band Saws	
167. (1) Where a band saw blade develops a crack the depth of which is more than 5% of the width of the saw blade, an employer shall ensure that the blade is discarded unless (a) the width of the blade is reduced by a competent person so as to eliminate the crack; or (b) the cracked section is repaired by a competent person.	167. (1) Where a band saw blade develops a crack the depth of which is more than 5% of the width of the saw blade, an employer shall ensure that the blade is discarded unless (a) the width of the blade is reduced by a competent person so as to eliminate the crack; or (b) the cracked section is repaired by a competent person.	
(2) An employer or supplier shall ensure that a band saw has an automatic tension control device.	(2) An employer or supplier shall ensure that a band saw has an automatic tension control device.	
Cut-Off Saws	Cut-Off Saws	
168. An employer or supplier shall ensure that (a) a hand operated, sliding or swing cut-off saw is equipped with a device that will return the saw automatically to the back of the table when the saw is released at any point in the saw's travel; and (b) a limit device is installed on a swing or sliding cut-off saw to prevent the saw from travelling beyond the outside edge of the cutting table.	168. An employer or supplier shall ensure that (a) a hand operated, sliding or swing cut-off saw is equipped with a device that will return the saw automatically to the back of the table when the saw is released at any point in the saw's travel; and (b) a limit device is installed on a swing or sliding cut-off saw to prevent the saw from travelling beyond the outside edge of the cutting table.	
Push Blocks and Push Sticks	Push Blocks and Push Sticks	
169. (1) In this section, "push block" means a short block of wood with a shoulder at the rear that is provided with a suitable handle that will engage with the shoulder; "push stick" means a narrow strip of wood or	169. (1) In this section, "push block" means a short block of wood with a shoulder at the rear that is provided with a suitable handle that will engage with the shoulder; "push stick" means a narrow strip of wood or	

other suitable material with a notch cut into one end.	other suitable material with a notch cut into one end.	
(2) An employer shall ensure that a worker uses a push stick or push block to feed wood or other material into any machine that is used for cutting or shaping the wood or other material.	(2) An employer shall ensure that a worker uses a push stick or push block to feed wood or other material into any machine that is used for cutting or shaping the wood or other material.	<u>Stakeholder</u> : requires particularity. <u>Committee</u> : Comment too vague to address.
Hand Fed Planers and Joiners	Hand Fed Planers and Joiners	
170. (1) An employer shall ensure that a hand fed planer or joiner is operated at a height that is suitable for the worker who operates it.	170.(1) An employer shall ensure that a hand fed planer or joiner is operated at a height that is suitable for the worker who operates it.	
(2) An employer or supplier shall ensure that a hand fed planer or joiner with a horizontal cutting head has an automatic safeguard that will cover all sections of the head on the working side of the safeguard when material is not being cut.	(2) An employer or supplier shall ensure that a hand fed planer or joiner with a horizontal cutting head has an automatic safeguard that will cover all sections of the head on the working side of the safeguard when material is not being cut.	
PART 11 POWERED MOBILE EQUIPMENT	PART 11 POWERED MOBILE EQUIPMENT	
Interpretation	Interpretation	
171. In this Part, "hours of darkness" means any time when, because of insufficient light or unfavourable atmospheric conditions, persons or vehicles are not clearly discernable at a distance of, or greater than 150 m.	171. In this Part, "hours of darkness" means any time when, because of insufficient light or unfavourable atmospheric conditions, persons or vehicles are not clearly discernable at a distance of, or greater than 150 m.	<u>Stakeholder</u> We also support these provisions. In our view the prescriptive nature will be a valuable addition to these regulations and will enhance significantly the health and safety of northern workers involved in this type of work. <u>Committee</u> : Agree.
Operation by Competent Workers	Operation by Competent Workers	
172. (1) In this section, "trained operator" means a worker who (a) has successfully completed a training program that includes all of the elements as set out in Schedule L for the type of powered mobile equipment that the worker is required or permitted to operate, or (b) is completing the practical training required as set out in Schedule L	172. An employer shall ensure that only competent workers operate powered mobile equipment or are required or permitted to operate that equipment.	<u>Stakeholders</u> : <ul style="list-style-type: none"> Section 172 (1) defines a trained operator as a worker who has successfully completed a training program that includes all the elements set out in Schedule L for the type of mobile equipment that the worker is required or permitted to operate. It is our view that schedule L is overly

<p>under the direct supervision of a competent operator within the meaning of paragraph (a).</p>		
<p>(2) An employer shall ensure that only trained operators are required or permitted to operate powered mobile equipment.</p>	<p>Removed</p>	
<p>(3) An employer shall ensure that</p> <p>(a) the training as set out in Schedule L is provided by competent persons; and</p> <p>(b) a written record of all training delivered to workers pursuant to this section and Schedule L is kept readily available.</p>	<p>Removed</p>	<p>prescriptive as it dictates the content and duration of the training. There may be training that may deviate slightly from this schedule but that is totally appropriate. We also have concerns that some training programs are not available in the NT.</p> <ul style="list-style-type: none"> • It is our view that the focus of this section should be on requiring the employer to ensure that their worker is trained and competent in safe use of the equipment rather than prescribe the number of hours and content of the training. This type of information could be provided in a code of practice or other supporting information rather than in the regulation. • Suggests that in some cases it may be sufficient that a competent person sign off on the training of an operator. We have concerns that some training programs are not available in the Territories. Requires additional documentation not presently in place. • A "trained operator" is someone that completed the training program provided in schedule L. Also, written record of the training must be kept. Believe this is new obligation and will generate more work. • Suggest that our existing hiring process is doing well enough for this where staffs are brought on-stream with their paperwork showing their credentials for training and education as well as their experience is verified. Thus a trained operator is recognized before entry to the worksite.

		<ul style="list-style-type: none"> • A list of the equipment that is classified as PME would be helpful. • When is the deadline to comply with the outlined training requirements? • Can an operator that holds a Class 3 or Class 5 drivers' license be deemed qualified to operate PME? • The City has long term employees with no formal training on PME, but who received on-the-job/hands-on training. Will those employees be required to complete the new training requirements? • Where is the location where this record must be available as will need this information when there is a fatality <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Subsections (1) and (3) of the consultation draft and Schedule L removed. • “Competent” and “competent worker” are both defined terms in section 1 of the draft regulations. See additional related comments at item 4 on page 28 of Volume 1. • It does not matter about where the location of records is kept just as long as the records can be produced on demand (statutory requirement).
Visual Inspection	Visual Inspection	
173. (1) An employer shall, before a worker starts any powered mobile equipment, ensure that the worker makes a complete visual inspection of the equipment and the surrounding area to ensure that no worker, including the operator, is endangered by the start up of the	173. (1) An employer shall, before a worker starts any powered mobile equipment, ensure that the worker makes a complete visual inspection of the equipment and the surrounding area to ensure that no worker, including the operator, is endangered by the start up of the	

equipment.	equipment.	
(2) No worker shall start any powered mobile equipment until the inspection required under subsection (1) is completed.	(2) No worker shall start any powered mobile equipment until the inspection required under subsection (1) is completed.	<p><u>Stakeholders</u>: suggests adding the following subsections:</p> <p>(3) The operator must report defects and conditions affecting the safe operation of the equipment to the supervisor or employer.</p> <p>(4) Any repair or adjustment necessary for the safe operation of the equipment must be made before the equipment is used.</p> <p><u>Committee</u>: See subsection 31(3) and section 158. Already covered.</p>
Inspection and Maintenance	Inspection and Maintenance	
174. (1) An employer or supplier shall ensure that all powered mobile equipment at a work site is inspected (a) by a competent worker for defects and unsafe condition; and (b) as often as is necessary to ensure that the equipment is capable of safe operation.	174. (1) An employer or supplier shall ensure that all powered mobile equipment at a work site is inspected (a) by a competent worker for defects and unsafe condition; and (b) as often as is necessary to ensure that the equipment is capable of safe operation.	
(2) Where a defect or unsafe condition is identified in powered mobile equipment, an employer or supplier shall (a) take immediate steps to protect the health and safety of every worker who is at risk until the defect is repaired or the unsafe condition is corrected; and (b) repair the defect or unsafe condition as soon as is reasonably practicable.	(2) Where a defect or unsafe condition is identified in powered mobile equipment, an employer or supplier shall (a) immediate steps to protect the health and safety of every worker who is at risk until the defect is repaired or the unsafe condition is corrected; and (b) repair the defect or unsafe condition as soon as is reasonably practicable.	
(3) An employer or supplier shall, at the work site, (a) keep a written record of inspections and maintenance carried out under this section; and	(3) An employer or supplier shall, at the work site, (a) keep a written record of inspections and maintenance carried out under this section; and	

<p>(b) make the written record in paragraph (a) readily available to the operator of the powered mobile equipment.</p>	<p>(b) make the written record in paragraph (a) readily available to the operator of the powered mobile equipment.</p>	
<p>Requirements for Powered Mobile Equipment</p>	<p>Requirements for Powered Mobile Equipment</p>	
<p>175. (1) An employer or supplier shall ensure that each unit of powered mobile equipment is equipped with</p> <ul style="list-style-type: none"> (a) a device within easy reach of an operator that will permit the operator to stop as quickly as possible any ancillary equipment driven from the powered mobile equipment, including any power take-off, crane and auger and any digging, lifting and cutting equipment; (b) a horn or other audible warning device; (c) seats that are designed and installed to ensure the safety of each worker in or on the powered mobile equipment except where the equipment is designed to be operated from a standing position; and (d) an effective braking system and an effective parking device. 	<p>175. (1) An employer or supplier shall ensure that each unit of powered mobile equipment is equipped with</p> <ul style="list-style-type: none"> (a) a device within easy reach of an operator that will permit the operator to stop as quickly as possible any ancillary equipment driven from the powered mobile equipment, including any power take-off, crane and auger and any digging, lifting and cutting equipment; (b) an audible or visual warning device that is adequate to warn other workers of the operation of the powered mobile equipment; (c) seats that are designed and installed to ensure the safety of each worker in or on the powered mobile equipment except where the equipment is designed to be operated from a standing position; and (d) an effective braking system and an effective parking device. 	<p><u>Stakeholders</u>: what about stopping the PME first?</p> <p><u>Committee</u>: See section 158.</p> <p><u>Stakeholder</u> Suggestion to review this section: All powered mobile equipment needs to have a horn. Does this mean they need to install them on snow blowers? Same goes for headlights.</p> <p><u>Committee</u>: Paragraph (b) is modified. Note that not every unit of powered equipment is PME. Headlights are addressed in subsection (2).</p>
<p>(2) Where a unit of powered mobile equipment is operated during hours of darkness in an area that is not adequately illuminated, an employer or supplier shall ensure that it is equipped with suitable headlights and backup lights that clearly illuminate the path of travel.</p>	<p>(2) Where a unit of powered mobile equipment is operated during hours of darkness in an area that is not adequately illuminated, an employer or supplier shall ensure that it is equipped with suitable headlights and backup lights that clearly illuminate the path of travel.</p>	
<p>(3) Where a unit of powered mobile</p>	<p>(3) Where a unit of powered mobile</p>	

equipment has a windshield, an employer or supplier shall ensure that it is equipped with suitable windshield washers and wipers.	equipment has a windshield, an employer or supplier shall ensure that it is equipped with suitable windshield washers and wipers.	
(4) Where a unit of powered mobile equipment is fitted with rollover protective structures, an employer or supplier shall ensure that the equipment is equipped with (a) seat belts for the operator and any other worker who are in or on the equipment; or (b) shoulder belts, bars, gates, screens or other restraining devices designed to prevent the operator and any other worker from being thrown outside the rollover protective structures if the work process renders the wearing of a seat belt impracticable.	(4) Where a unit of powered mobile equipment is fitted with rollover protective structures, an employer or supplier shall ensure that the equipment is equipped with (a) seat belts for the operator and any other worker who are in or on the equipment; or (b) shoulder belts, bars, gates, screens or other restraining devices designed to prevent the operator and any other worker from being thrown outside the rollover protective structures if the work process renders the wearing of a seat belt impracticable.	
(5) Where there is a danger to the operator of a unit of powered mobile equipment or any other worker who is required or permitted to be in or on a unit of powered mobile equipment from a falling object or projectile, an employer or supplier shall ensure that the powered mobile equipment is equipped with a suitable and adequate cab, screen or guard.	(5) Where there is a danger to the operator of a unit of powered mobile equipment or any other worker who is required or permitted to be in or on a unit of powered mobile equipment from a falling object or projectile, an employer or supplier shall ensure that the powered mobile equipment is equipped with a suitable and adequate cab, screen or guard.	
Maintenance of Powered Mobile Equipment	Maintenance of Powered Mobile Equipment	
176.An employer or supplier shall ensure that each unit of powered mobile equipment is constructed, repaired, inspected, tested, maintained and operated in accordance with the manufacturer's specifications or an approved standard.	176.An employer or supplier shall ensure that each unit of powered mobile equipment is constructed, repaired, inspected, tested, maintained and operated in accordance with the manufacturer's specifications or an approved standard.	
Use of Seat Belt or Restraint by Operator	Use of Seat Belt or Restraint by Operator	
177.An employer shall ensure that the operator of a unit of powered mobile equipment uses the seat belt or other restraining device required by	177.An employer shall ensure that the operator of a unit of powered mobile equipment uses the seat belt or other restraining device required by	<u>Stakeholders</u> : Should specify exemption when working on ice or near water.

subsection 175(4).	subsection 175(4).	<u>Committee</u> : Section 40 addresses work on ice over water.
Protection Against Shifting of Load	Protection Against Shifting of Load	
<p>178.An employer shall install a bulkhead or other effective restraining device to protect the operator and any other worker who is required or permitted to be in or on powered mobile equipment used to transport equipment or materials that may shift under emergency stopping conditions and endanger the operator or other worker.</p>	<p>178.An employer shall install a bulkhead or other effective restraining device to protect the operator and any other worker who is required or permitted to be in or on powered mobile equipment used to transport equipment or materials that may shift under emergency stopping conditions and endanger the operator or other worker.</p>	<p><u>Stakeholders</u>: This section which is contained in Part XI (Powered Mobile Equipment) would require an employer to install a bulkhead to protect the operator and any other worker to protect against any shifting of equipment and material. Does Powered Mobile Equipment include vehicles? The definition contained in the Regulations is somewhat unclear.</p> <p>Suggestion: Clarify the definition of "Powered Mobile Equipment" so that it is clear s. 178 whether vehicles are included or not included in Part XI.</p> <p><u>Committee</u>: Agrees. PME is defined in section 1: "powered mobile equipment" means a self-propelled machine or a combination of machines, including a prime mover, that is designed to manipulate or move materials or to provide a work platform for workers;</p> <p>The definition of vehicle was simplified: "vehicle" means a machine in, on or by which a person or thing may be transported and includes a unit of powered mobile equipment;</p> <p>The definition of machine was reworked to include motion and energy in addition to force: "machine" means any combination of mechanical parts that transmits from one part to another or otherwise modifies force, motion or energy;</p> <p>These three definitions provide the clarification that the stakeholder seeks.</p>
Warning of Reverse Motion	Warning of Reverse Motion	

<p>179. Where a vehicle may be used in such a way that a worker other than the operator may be placed at risk by an unexpected reverse movement, the employer or supplier shall ensure that the vehicle is equipped with a suitable warning device that operates automatically when the vehicle or equipment starts to move in reverse.</p>	<p>179. Where a vehicle may be used in such a way that a worker other than the operator may be placed at risk by an unexpected reverse movement, the employer or supplier shall ensure that the vehicle is equipped with a suitable warning device that operates automatically when the vehicle or equipment starts to move in reverse.</p>	
<p>Rollover Protective Structures</p>	<p>Rollover Protective Structures</p>	
<p>180. (1) An employer or supplier shall ensure that no unit of powered mobile equipment that is equipped with an engine rated at 15 kW or more and is in any of the following categories is used unless it is fitted with a rollover protective structure that meets the requirements of subsection (2):</p> <ul style="list-style-type: none"> (a) motor grader; (b) crawler tractor, other than one that operates with side booms; (c) wheeled or tracked dozer and loader, other than one that operates with side booms; (d) self-propelled wheeled scraper; (e) self-propelled roller; (f) compactor; (g) rubber tired tractor; (h) skidder. 	<p>180. (1) An employer or supplier shall ensure that no unit of powered mobile equipment that is equipped with an engine rated at 15 kW or more and is in any of the following categories is used unless it is fitted with a rollover protective structure that meets the requirements of subsection (2):</p> <ul style="list-style-type: none"> (a) motor grader; (b) crawler tractor, other than one that operates with side booms; (c) wheeled or tracked dozer and loader, other than one that operates with side booms; (d) self-propelled wheeled scraper; (e) self-propelled roller; (f) compactor; (g) rubber tired tractor; (h) skidder. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • What about remote controlled operations? • Suggested addition of off-road haul vehicles and other vehicles as specified by CSO. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Some remote controlled vehicles could fall within the scope of the definition of PME. • The list is sufficiently inclusive as it refers to "categories" of PME. An "off-road haul vehicle" will probably fall into at least one of these categories.
<p>(2) Except as otherwise provided in these regulations, an employer or supplier shall ensure that a rollover protective structure required by subsection (1)</p> <ul style="list-style-type: none"> (a) is designed, manufactured and installed to meet the requirements of an approved standard; and (b) has the following information permanently and legibly marked on the structure: 	<p>(2) Except as otherwise provided in these regulations, an employer or supplier shall ensure that a rollover protective structure required by subsection (1)</p> <ul style="list-style-type: none"> (a) is designed, manufactured and installed to meet the requirements of an approved standard; and (b) has the following information permanently and legibly marked on the structure: 	

<ul style="list-style-type: none"> (i) the manufacturer's name and address; (ii) the model and serial number; (iii) the make and model or series number of the machines that the structure is designed to fit; (iv) an identification of the standard to which the structure was designed, manufactured and installed. 	<ul style="list-style-type: none"> (i) the manufacturer's name and address; (ii) the model and serial number; (iii) the make and model or series number of the machines that the structure is designed to fit; (iv) an identification of the standard to which the structure was designed, manufactured and installed. 	
<p>(3) Where a rollover protective structure required by subsection (1) is not available, an employer or supplier shall ensure that a unit of powered mobile equipment referred to in subsection (1) is equipped with a rollover protective structure that is</p> <ul style="list-style-type: none"> (a) designed by a professional engineer; (b) designed and fabricated so that the structure and supporting attachments will support at least twice the weight of the equipment to which the structure is to be fitted, based on the ultimate strength of the metal and integrated loading of structural members, with the resultant load applied at the point of impact; and (c) installed to have a vertical clearance of 1.2 m between the decks and the structures at the point of operator entrance or exit. 	<p>(3) Where a rollover protective structure required by subsection (1) is not available, an employer or supplier shall ensure that a unit of powered mobile equipment referred to in subsection (1) is equipped with a rollover protective structure that is</p> <ul style="list-style-type: none"> (a) designed by a professional engineer; (b) designed and fabricated so that the structure and supporting attachments will support at least twice the weight of the equipment to which the structure is to be fitted, based on the ultimate strength of the metal and integrated loading of structural members, with the resultant load applied at the point of impact; and (c) installed to have a vertical clearance of 1.2 m between the decks and the structures at the point of operator entrance or exit. 	<p><u>Stakeholders:</u> How does this compare to CSA/SAE/ISO ROPs design and how is this determined? Plus ultimate strength means breaking load should limit this to allowable strength how are you going to determine if design is adequate?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • If something is designed by a professional engineer and the design is not adequate, the law of professional responsibility will apply to the engineer or supplier as may other laws (negligence, criminal recklessness etc.). • It does not matter how this provision compares to CSA/SAE/ISO standards. For information on codes of practice, standards and codes see page 10 and also the comments associated with section 5. • "Ultimate strength" is a common engineering/physics term and synonyms include "ultimate tensile strength" (UTS) or "tensile strength". UTS is the maximum stress that the metal may withstand before "necking" where the cross-sectional area of the metal starts

		<p>to contract. This is the opposite to "compressive strength", which is described in paragraph (b) in terms of "integrated loading of structural members".</p>
<p>(4) A rollover protective structure is deemed to meet the requirements of this section if all of the following apply:</p> <ul style="list-style-type: none"> (a) it was installed on powered mobile equipment on or before the day on which these regulations come into force; (b) the powered mobile equipment on which it is installed was manufactured after July 1, 1978; (c) it meets the criteria of any of the following recommended practices of the Society of Automotive Engineers (SAE), amended from time to time, as follows: <ul style="list-style-type: none"> (i) recommended SAE practice J395 for crawler tractors, loaders and skidders; (ii) recommended SAE practice J394 for wheel dozers, loaders and skidders; (iii) recommended SAE practice J396 for motor graders; (iv) recommended SAE practice J320a for self-propelled wheel scrapers; (v) recommended SAE practice J334a for agricultural and industrial tractors. 	<p>(4) A rollover protective structure is deemed to meet the requirements of this section if all of the following apply:</p> <ul style="list-style-type: none"> (a) it was installed on powered mobile equipment on or before the day on which these regulations come into force; (b) the powered mobile equipment on which it is installed was manufactured after July 1, 1978; (c) it meets the criteria of any of the following recommended practices of the Society of Automotive Engineers (SAE), amended from time to time, as follows: <ul style="list-style-type: none"> (i) recommended SAE practice J395 for crawler tractors, loaders and skidders; (ii) recommended SAE practice J394 for wheel dozers, loaders and skidders; (iii) recommended SAE practice J396 for motor graders; (iv) recommended SAE practice J320a for self-propelled wheel scrapers; (v) recommended SAE practice J334a for agricultural and industrial tractors. 	
<p>(5) An employer or supplier shall ensure that all modifications or repairs to existing rollover protective structures are certified as</p>	<p>(5) An employer or supplier shall ensure that all modifications or repairs to existing rollover protective structures are certified as</p>	

meeting the requirements of this section by a professional engineer.	meeting the requirements of this section by a professional engineer.	
Transparent Materials Used in Cabs	Transparent Materials Used in Cabs	
181. (1) An employer or supplier shall ensure that any transparent material used as part of the enclosure for a cab, canopy or rollover protective structure on powered mobile equipment is made of safety glass or another material that gives at least equivalent protection against shattering.	181. (1) An employer or supplier shall ensure that any transparent material used as part of the enclosure for a cab, canopy or rollover protective structure on powered mobile equipment is made of safety glass or another material that gives at least equivalent protection against shattering.	
(2) An employer or supplier shall ensure that any defective glass or other transparent material in a cab, canopy or rollover protective structure that creates or may create a hazard is removed and replaced.	(2) An employer or supplier shall ensure that any defective glass or other transparent material in a cab, canopy or rollover protective structure that creates or may create a hazard is removed and replaced.	
Fuel Tanks in Enclosed Cabs	Fuel Tanks in Enclosed Cabs	
182. Where a unit of powered mobile equipment is equipped with an enclosed cab, an employer or supplier shall ensure that a fuel tank located in the enclosed cab has a filler spout and vents that extend to the outside of the cab.	182. Where a unit of powered mobile equipment is equipped with an enclosed cab, an employer or supplier shall ensure that a fuel tank located in the enclosed cab has a filler spout and vents that extend to the outside of the cab.	
Dangerous Movements	Dangerous Movements	
183. (1) Where a worker may be endangered by the swinging movement of a load or a part of a unit of powered mobile equipment, an employer shall not require or permit a worker to remain within range of the swinging load or part.	183. (1) Where a worker may be endangered by the swinging movement of a load or a part of a unit of powered mobile equipment, an employer shall not require or permit a worker to remain within range of the swinging load or part.	
(2) Where a worker may be required or permitted to perform maintenance, repairs or other work on or under an elevated part of a unit of powered mobile equipment, an employer shall ensure that the elevated part is securely blocked to prevent accidental movement.	(2) Where a worker may be required or permitted to perform maintenance, repairs or other work on or under an elevated part of a unit of powered mobile equipment, an employer shall ensure that the elevated part is securely blocked to prevent accidental movement.	
(3) An operator of a unit of powered mobile equipment shall not move or cause to be moved any load or part of the equipment when a worker may be endangered by that movement.	(3) An operator of a unit of powered mobile equipment shall not move or cause to be moved any load or part of the equipment when a worker may be endangered by that movement.	

Transporting Workers	Transporting Workers	
<p>184. (1) An employer shall ensure that no worker is transported on a vehicle unless the worker is seated and secured by a seat belt or other restraining device that is designed to prevent the worker from being thrown from the vehicle while it is in motion.</p>	<p>184. (1) An employer shall ensure that no worker is transported on a vehicle unless the worker is seated and secured by a seat belt or other restraining device that is designed to prevent the worker from being thrown from the vehicle while it is in motion.</p>	<p><u>Stakeholders:</u> exemption for ice?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Section 40 addresses work on ice over water. • Section 146 of the <i>Motor Vehicles Act</i> has a statutory requirement for seatbelts on highways. These regulations cannot override that. • But where ice road is under construction, it may not meet the definition of a highway under that Act and so the seat belt requirement will not apply. In that case section 40 of these regulations applies. • Codes of practice will clarify.
<p>(2) An employer shall ensure that no worker is transported on the top of a load that is being moved by a vehicle.</p>	<p>(2) An employer shall ensure that no worker is transported on the top of a load that is being moved by a vehicle.</p>	
<p>(3) An employer shall ensure that no worker places equipment or material in a compartment of a vehicle in which the operator or another worker is being transported unless the equipment or material is positioned or secured so as to prevent injury to the operator or the other worker.</p>	<p>(3) An employer shall ensure that no worker places equipment or material in a compartment of a vehicle in which the operator or another worker is being transported unless the equipment or material is positioned or secured so as to prevent injury to the operator or the other worker.</p>	
<p>(4) Where an open vehicle or unit of powered mobile equipment is used to transport a worker, an employer shall ensure that the worker is restrained from falling from the vehicle and that no part of the worker's body protrudes beyond the side of the vehicle.</p>	<p>(4) Where an open vehicle or unit of powered mobile equipment is used to transport a worker, an employer shall ensure that the worker is restrained from falling from the vehicle and that no part of the worker's body protrudes beyond the side of the vehicle.</p>	
<p>Ladders Attached to Extending Boom</p>	<p>Ladders Attached to Extending Boom</p>	
<p>185. (1) An employer shall ensure that (a) subject to subsection (2), no worker is on a ladder that is attached as a</p>	<p>185. (1) An employer shall ensure that (a) subject to subsection (2), no worker is on a ladder that is attached as a</p>	

<p>permanent part of an extending boom on powered mobile equipment during any movement of the equipment, including extension or retraction of the boom;</p> <p>(b) where outriggers are incorporated into powered mobile equipment, no worker climbs a ladder attached to an extending boom unless the outriggers are deployed; and</p> <p>(c) no worker operates any powered mobile equipment equipped with an extending boom unless the powered mobile equipment is stable under all operating conditions.</p>	<p>permanent part of an extending boom on powered mobile equipment during any movement of the equipment, including extension or retraction of the boom;</p> <p>(b) where outriggers are incorporated into powered mobile equipment, no worker climbs a ladder attached to an extending boom unless the outriggers are deployed; and</p> <p>(c) no worker operates any powered mobile equipment equipped with an extending boom unless the powered mobile equipment is stable under all operating conditions.</p>	
<p>(2) Paragraph (1)(a) does not apply to firefighting equipment.</p>	<p>(2) Paragraph (1)(a) does not apply to firefighting equipment.</p>	
<p>Forklifts</p>	<p>Forklifts</p>	
<p>186. (1) An employer or supplier shall ensure that every forklift</p> <p>(a) is provided with a durable and clearly legible load rating chart that is readily available to the operator; and</p> <p>(b) is equipped with a seat belt for the operator if the forklift is equipped with a seat.</p>	<p>186. (1) An employer or supplier shall ensure that every forklift</p> <p>(a) is provided with a durable and clearly legible load rating chart that is readily available to the operator; and</p> <p>(b) is equipped with a seat belt for the operator if the forklift is equipped with a seat.</p>	
<p>(2) An employer shall ensure that the operator of a forklift uses the seat belt required by paragraph (1)(b).</p>	<p>(2) An employer shall ensure that the operator of a forklift uses the seat belt required by paragraph (1)(b).</p>	
<p>PART 12 SCAFFOLDS, AERIAL DEVICES, ELEVATING WORK PLATFORMS AND TEMPORARY SUPPORTING STRUCTURES</p>	<p>PART 12 SCAFFOLDS, AERIAL DEVICES, ELEVATING WORK PLATFORMS AND TEMPORARY SUPPORTING STRUCTURES</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>187. In this Part,</p>	<p>187. In this Part,</p>	

<p>“aerial device” means a vehicle-mounted telescoping or articulating unit that is used to position a worker at an elevated work site, and includes a work basket or bucket, an aerial ladder, an extendable and articulating boom platform, a vertical tower and any combination of those devices;</p>	<p>“aerial device” means a vehicle-mounted telescoping or articulating unit that is used to position a worker at an elevated work site, and includes a work basket or bucket, an aerial ladder, an extendable and articulating boom platform, a vertical tower and any combination of those devices;</p>	<p><u>Stakeholders:</u> re: "maximum load" Suggest identifying in a table the maximum load that can be imposed.</p>
<p>“base plate” means a device that is attached to the base of a scaffold upright and that is used to distribute the vertical load over a larger area of the sill;</p>	<p>“base plate” means a device that is attached to the base of a scaffold upright and that is used to distribute the vertical load over a larger area of the sill;</p>	<p><u>Committee:</u></p>
<p>“bearer” means a horizontal scaffold member on which the platform rests and that may be supported by ledgers, and includes transoms and joists;</p>	<p>“bearer” means a horizontal scaffold member on which the platform rests and that may be supported by ledgers, and includes transoms and joists;</p>	<ul style="list-style-type: none"> • "Maximum load" is a defined term: “maximum load” means the maximum actual load that a scaffold is designed to support or resist in use, and includes the working load, the actual weight of all the components of the scaffold, wind, environmental conditions and all other loads that may reasonably be anticipated;
<p>“brace” means a scaffold member fastened diagonally to the uprights across the vertical faces of the scaffold to provide stability against lateral movement of the scaffold;</p>	<p>“brace” means a scaffold member fastened diagonally to the uprights across the vertical faces of the scaffold to provide stability against lateral movement of the scaffold;</p>	<ul style="list-style-type: none"> • It is impossible to make a table of maximum loads applicable to every work site without knowing any of these parameters. It is up to the employer to determine the parameters and calculate the maximum load.[Move to defined term]
<p>“bracket scaffold” means a platform that is supported by two or more triangular brackets projecting out from a structure to which the brackets are securely fastened;</p>	<p>“bracket scaffold” means a platform that is supported by two or more triangular brackets projecting out from a structure to which the brackets are securely fastened;</p>	<p><u>Stakeholders:</u> in definition of "outrigger scaffold" suggests use of "on" rather than "by".</p>
<p>“double-pole scaffold” means a platform that is supported by bearers attached to a double row of braced uprights;</p>	<p>“double-pole scaffold” means a platform that is supported by bearers attached to a double row of braced uprights;</p>	<p><u>Committee:</u> If the preposition “on” were used, it is unclear how the scaffold is supported.</p>
<p>“elevating work platform” means a work platform that can be self-elevated to overhead work sites, and includes an elevating rolling work platform, a self-propelled elevating work platform and a boom-type elevating work platform;</p>	<p>“elevating work platform” means a work platform that can be self-elevated to overhead work sites, and includes an elevating rolling work platform, a self-propelled elevating work platform and a boom-type elevating work platform;</p>	<p><u>Stakeholders:</u> Re: "suspended outrigger scaffold" could not vertical members be something other than wood?</p>
		<p><u>Committee:</u> See section 191. The answer is yes, but provided all other requirements of the Part are met.</p>

<p>“flyform deck panel” means a temporary supporting structure that</p> <ul style="list-style-type: none"> (a) is used as a modular falsework, (b) is intended to be moved, and (c) is capable of being moved from floor to floor and re-used during a construction project; <p>“half-horse scaffold” means a platform that is supported by two or more braced, splayed supports resting in or on the structure;</p> <p>“heavy-duty scaffold” means a scaffold that is intended to support workers, equipment and stored or stacked materials and that is designed to support the minimum load identified in paragraph 191(1)(b);</p> <p>“ladderjack scaffold” means a platform that is supported by brackets attached to ladders;</p> <p>“ledger” means a horizontal scaffold member extending from upright to upright that may support the bearers, and includes runners, stringers and ribbons;</p> <p>light-duty scaffold” means a scaffold that is intended to support workers and materials for current use only, with no storage of other materials except the worker’s tools, and that is designed to support the load identified in paragraph 191(1)(a);</p> <p>“maximum load” means the maximum actual load that a scaffold is designed to support or resist in use, and includes the working load, the actual weight of all the components of the scaffold, wind, environmental conditions and all</p>	<p>“flyform deck panel” means a temporary supporting structure that</p> <ul style="list-style-type: none"> (a) is used as a modular falsework, (b) is intended to be moved, and (c) is capable of being moved from floor to floor and re-used during a construction project; <p>“half-horse scaffold” means a platform that is supported by two or more braced, splayed supports resting in or on the structure;</p> <p>“heavy-duty scaffold” means a scaffold that is intended to support workers, equipment and stored or stacked materials and that is designed to support the minimum load identified in paragraph 191(1)(b);</p> <p>“ladderjack scaffold” means a platform that is supported by brackets attached to ladders;</p> <p>“ledger” means a horizontal scaffold member extending from upright to upright that may support the bearers, and includes runners, stringers and ribbons;</p> <p>light-duty scaffold” means a scaffold that is intended to support workers and materials for current use only, with no storage of other materials except the worker’s tools, and that is designed to support the load identified in paragraph 191(1)(a);</p> <p>“maximum load” means the maximum actual load that a scaffold is designed to support or resist in use, and includes the working load, the actual weight of all the components of the</p>	
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<p>other loads that may reasonably be anticipated;</p> <p>“modular scaffold” means a platform that is supported by uprights with fixed attachment points for standard-sized ledgers, bracing and accessories;</p> <p>“needle-beam scaffold” means a platform that is supported by parallel horizontal beams suspended by ropes attached to overhead anchors;</p> <p>“outrigger scaffold” means a platform that is supported by rigid members that are cantilevered out from the structure or vertical supports;</p> <p>“personnel lifting unit” means a work platform suspended by rigging from a crane or hoist that is used to position a worker at an elevated work site, and includes a manbasket and work basket;</p> <p>“pumpjack scaffold” means a scaffold consisting of a work platform supported by vertical poles and adjustable support brackets and end guardrails and a safety net between the tool bench and the foot board;</p> <p>“rolling scaffold” means a freestanding scaffold that is equipped with castors or wheels at the base of the scaffold;</p> <p>“scaffold” means a temporary elevated platform and the platform’s supporting structure that are designed to support workers and hand tools, or workers, equipment and materials;</p> <p>“sill” means a wood, concrete or metal footing used to distribute the load from a standard, an</p>	<p>scaffold, wind, environmental conditions and all other loads that may reasonably be anticipated;</p> <p>“modular scaffold” means a platform that is supported by uprights with fixed attachment points for standard-sized ledgers, bracing and accessories;</p> <p>“needle-beam scaffold” means a platform that is supported by parallel horizontal beams suspended by ropes attached to overhead anchors;</p> <p>“outrigger scaffold” means a platform that is supported by rigid members that are cantilevered out from the structure or vertical supports;</p> <p>“personnel lifting unit” means a work platform suspended by rigging from a crane or hoist that is used to position a worker at an elevated work site, and includes a manbasket and work basket;</p> <p>“pumpjack scaffold” means a scaffold consisting of a work platform supported by vertical poles and adjustable support brackets and end guardrails and a safety net between the tool bench and the foot board;</p> <p>“rolling scaffold” means a freestanding scaffold that is equipped with castors or wheels at the base of the scaffold;</p> <p>“scaffold” means a temporary elevated platform and the platform’s supporting structure that are designed to support workers and hand tools, or workers, equipment and materials;</p>	
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<p>upright or a base plate of a scaffold to the ground;</p> <p>“single-pole scaffold” means a platform that is supported by bearers attached at the outer end to a single row of braced uprights and at the inner end to the structure;</p> <p>“suspended outrigger scaffold” means a scaffold with a working platform that is suspended by wooden vertical members from rigid horizontal members that are cantilevered out from the structure;</p> <p>“suspended powered scaffold” means a platform that is suspended from overhead supports by ropes or cables and equipped with winches or pulley blocks so that the scaffold can be moved, and includes a boatswain’s chair, work basket, work cage, swingstage or other similar scaffold;</p> <p>“suspended scaffold” means a platform that is supported by four wire ropes suspended from members that are cantilevered out from the structure;</p> <p>“temporary supporting structure” means a falsework, form, flyform deck panel, shoring, brace or cable that is used to support a structure temporarily or to stabilize materials or earthworks until the materials or earthworks are self-supporting or the instability is otherwise overcome, and includes metal scaffold components;</p> <p>“tube and clamp scaffold” means a platform that is supported by steel or aluminum tubes with wedge or bolt clamp connectors and accessories;</p>	<p>“sill” means a wood, concrete or metal footing used to distribute the load from a standard, an upright or a base plate of a scaffold to the ground;</p> <p>“single-pole scaffold” means a platform that is supported by bearers attached at the outer end to a single row of braced uprights and at the inner end to the structure;</p> <p>“suspended outrigger scaffold” means a scaffold with a working platform that is suspended by wooden vertical members from rigid horizontal members that are cantilevered out from the structure;</p> <p>“suspended powered scaffold” means a platform that is suspended from overhead supports by ropes or cables and equipped with winches or pulley blocks so that the scaffold can be moved, and includes a boatswain’s chair, work basket, work cage, swingstage or other similar scaffold;</p> <p>“suspended scaffold” means a platform that is supported by four wire ropes suspended from members that are cantilevered out from the structure;</p> <p>“temporary supporting structure” means a falsework, form, flyform deck panel, shoring, brace or cable that is used to support a structure temporarily or to stabilize materials or earthworks until the materials or earthworks are self-supporting or the instability is otherwise overcome, and includes metal scaffold components;</p> <p>“tube and clamp scaffold” means a platform that</p>	
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<p>“tubular frame scaffold” means a platform that is supported by welded tubular frames, cross-braces and accessories;</p> <p>“upright” means a vertical scaffold member that transmits the load to the ground, and includes posts, verticals and standards;</p> <p>“working load” means the total of the loads from workers, materials, equipment and work processes.</p>	<p>is supported by steel or aluminum tubes with wedge or bolt clamp connectors and accessories;</p> <p>“tubular frame scaffold” means a platform that is supported by welded tubular frames, cross-braces and accessories;</p> <p>“upright” means a vertical scaffold member that transmits the load to the ground, and includes posts, verticals and standards;</p> <p>“working load” means the total of the loads from workers, materials, equipment and work processes.</p>	
Scaffold Required	Scaffold Required	
<p>188. Where work cannot be safely done from the ground or from a permanent structure, an employer shall provide a scaffold or other safe working platform or a ladder that meets the requirements of Part 16 for the use of workers.</p>	<p>188. Where work cannot be safely done from the ground or from a permanent structure, an employer shall provide a scaffold or other safe working platform or a ladder that meets the requirements of Part 16 for the use of workers.</p>	
Prohibition	Prohibition	
<p>189. (1) An employer shall not require or permit a worker to use</p> <ul style="list-style-type: none"> (a) a needle-beam scaffold or a suspended outrigger scaffold as a work platform; or (b) a half-horse scaffold. 	<p>189. (1) An employer shall not require or permit a worker to use</p> <ul style="list-style-type: none"> (a) a needle-beam scaffold or a suspended outrigger scaffold as a work platform; or (b) a half-horse scaffold. 	
<p>(2) A worker shall not use a scaffold of a type described in subsection (1).</p>	<p>(2) A worker shall not use a scaffold of a type described in subsection (1).</p>	
Limited Use of Certain Scaffolds	Limited Use of Certain Scaffolds	
<p>190. (1) An employer shall ensure that the following types of scaffolds are used only as light-duty scaffolds:</p> <ul style="list-style-type: none"> (a) ladderjack scaffolds; (b) single-pole scaffolds; (c) pumpjack scaffolds. 	<p>190. (1) An employer shall ensure that the following types of scaffolds are used only as light-duty scaffolds:</p> <ul style="list-style-type: none"> (a) ladderjack scaffolds; (b) single-pole scaffolds; (c) pumpjack scaffolds. 	

<p>(2) An employer shall ensure that the following types of scaffolds are used only as light-duty scaffolds unless the scaffold is designed by a professional engineer and constructed, erected, used, maintained and dismantled in accordance with that design:</p> <ul style="list-style-type: none"> (a) bracket scaffolds; (b) outrigger scaffolds; (c) suspended scaffolds; (d) suspended powered scaffolds. 	<p>(2) An employer shall ensure that the following types of scaffolds are used only as light-duty scaffolds unless the scaffold is designed by a professional engineer and constructed, erected, used, maintained and dismantled in accordance with that design:</p> <ul style="list-style-type: none"> (a) bracket scaffolds; (b) outrigger scaffolds; (c) suspended scaffolds; (d) suspended powered scaffolds. 	<p><u>Stakeholders</u>: No reference to wooden uprights and suggest adding that must be used in accordance with manufacturer's instructions.</p> <p><u>Committee</u>: Uprights are vertical scaffold members of either a single-pole or double-pole scaffold and "uprights" is a defined term in this Part. There is mention in s. 191(2) of a wooden scaffold. Note the requirement in para 191(2)(a).</p>
<p>General Requirements</p>	<p>General Requirements</p>	
<p>191. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) every light-duty scaffold is designed and constructed to support <ul style="list-style-type: none"> (i) a minimum working load of 3.63 kN per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section, and (ii) a minimum uniformly distributed working load of 1.20 kN/m², acting simultaneously with the concentrated load specified in subparagraph (i); and (b) every heavy-duty scaffold is designed and constructed to support <ul style="list-style-type: none"> (i) a minimum working load of 3.88 kN per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn 	<p>191. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) every light-duty scaffold is designed and constructed to support <ul style="list-style-type: none"> (i) a minimum working load of 3.63 kN per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section, and (ii) a minimum uniformly distributed working load of 1.20 kN/m², acting simultaneously with the concentrated load specified in subparagraph (i); and (b) every heavy-duty scaffold is designed and constructed to support <ul style="list-style-type: none"> (i) a minimum working load of 3.88 kN per lineal metre of platform width applied vertically and uniformly across an independent platform 	

<p>perpendicular to the platform edge anywhere along the length of the section, and</p> <p>(ii) a minimum uniformly distributed working load of 3.60 kN/m², acting simultaneously with the concentrated load specified in subparagraph (i).</p>	<p>section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section, and</p> <p>(ii) a minimum uniformly distributed working load of 3.60 kN/m², acting simultaneously with the concentrated load specified in subparagraph (i).</p>	
<p>(2) An employer shall ensure that every scaffold is</p> <p>(a) designed, constructed, erected, used and maintained so as to perform safely;</p> <p>(b) designed, constructed and erected to support or resist</p> <p>(i) in the case of a wooden scaffold, at least four times the load that may be imposed on the scaffold,</p> <p>(ii) in the case of a metal scaffold, at least 2.2 times the load that may be imposed on the scaffold,</p> <p>(iii) in the case of any components suspending any part of a scaffold supporting workers, at least ten times the load that may be imposed on those components, and</p> <p>(iv) four times the maximum load or force to which the scaffold is likely to be subjected without overturning; and</p> <p>(c) erected, maintained and dismantled by a competent worker.</p>	<p>(2) An employer shall ensure that every scaffold is</p> <p>(a) designed, constructed, erected, used and maintained so as to perform safely;</p> <p>(b) designed, constructed and erected to support or resist</p> <p>(i) in the case of a wooden scaffold, at least four times the load that may be imposed on the scaffold,</p> <p>(ii) in the case of a metal scaffold, at least 2.2 times the load that may be imposed on the scaffold,</p> <p>(iii) in the case of any components suspending any part of a scaffold supporting workers, at least ten times the load that may be imposed on those components, and</p> <p>(iv) four times the maximum load or force to which the scaffold is likely to be subjected without overturning;</p> <p>(c) erected, maintained and dismantled by a competent worker; and</p> <p>(d) inspected by a competent person prior to use and daily when in use</p>	<p><u>Committee</u>: Paragraph (d) added. See subsection 195(1).</p>

	for any damage, deterioration or weakening of the scaffold or the scaffold's components.	
(3) An employer shall ensure that a freestanding scaffold is restrained from overturning by using guying or other suitable means.	(3) An employer shall ensure that a freestanding scaffold is restrained from overturning by using guying or other suitable means.	
<p>(4) An employer shall ensure that a scaffold that is built from the ground or other surface</p> <ul style="list-style-type: none"> (a) is supported by a foundation that is of sufficient area, stability and strength to ensure the stability of the scaffold; (b) is set level on a stable sill that is at least 38 mm x 240 mm and continuous under at least two consecutive supports; (c) where an upright could penetrate the sill, a base plate is installed in the upright; (d) is supported against lateral movement by adequate, secure bracing; (e) is anchored <ul style="list-style-type: none"> (i) vertically at not more than 4 m intervals and horizontally at not more than 6 m intervals, (ii) where designed by a professional engineer, at intervals recommended by a professional engineer, or (iii) where commercially manufactured, at intervals recommended by the manufacturer; (f) is provided with internal stairways or ladders if the scaffold is 9 m or 	<p>(4) An employer shall ensure that a scaffold that is built from the ground or other surface</p> <ul style="list-style-type: none"> (a) is supported by a foundation that is of sufficient area, stability and strength to ensure the stability of the scaffold; (b) is set level on a stable sill that is at least 38 mm x 240 mm and continuous under at least two consecutive supports; (c) where an upright could penetrate the sill, a base plate is installed in the upright; (d) is supported against lateral movement by adequate, secure bracing; (e) is anchored <ul style="list-style-type: none"> (i) vertically at not more than 4 m intervals and horizontally at not more than 6 m intervals, (ii) where designed by a professional engineer, at intervals recommended by a professional engineer, or (iii) where commercially manufactured, at intervals recommended by the manufacturer; (f) is provided with internal stairways or ladders if the scaffold is 9 m or 	<p><u>Stakeholders:</u> Should reference that base plates should always be used.</p> <p><u>Committee:</u> This what paragraphs (4)(a) and (c) require.</p>

<p>more in height; and (g) is checked to ensure that the scaffold is plumb and level after each tier is added.</p>	<p>more in height; and (g) is checked to ensure that the scaffold is plumb and level after each tier is added.</p>	
<p>(5) Where a scaffold is partially or fully enclosed, an employer shall ensure that all scaffold components and tie-ins are adequate to support the added load that may be placed on the scaffold as a result of wind or other adverse weather conditions.</p>	<p>(5) Where a scaffold is partially or fully enclosed, an employer shall ensure that all scaffold components and tie-ins are adequate to support the added load that may be placed on the scaffold as a result of wind or other adverse weather conditions.</p>	
<p>(6) An employer shall ensure that all workers who are required to work on a scaffold are provided with the following information: (a) the maximum working load of the scaffold; (b) any other information, restriction or condition that is necessary to ensure the safe use of the scaffold.</p>	<p>(6) An employer shall ensure that all workers who are required to work on a scaffold are provided with the following information: (a) the maximum working load of the scaffold; (b) any other information, restriction or condition that is necessary to ensure the safe use of the scaffold.</p>	
<p>(7) Where a scaffold is more than 6 m high, an employer shall install a gin wheel and hoist arm or other suitable lifting device to hoist materials from the ground.</p>	<p>(7) Where a scaffold is more than 6 m high, an employer shall install a gin wheel and hoist arm or other suitable lifting device to hoist materials from the ground.</p>	
<p>Ropes in Scaffolds</p>	<p>Ropes in Scaffolds</p>	
<p>192. (1) An employer shall ensure that a rope or wire rope that forms an integral part of a scaffold is protected against abrasion or other physical damage.</p>	<p>192. (1) An employer shall ensure that a rope or wire rope that forms an integral part of a scaffold is protected against abrasion or other physical damage.</p>	
<p>(2) Where damage to a rope that forms an integral part of a scaffold from heat or chemicals is possible, an employer shall ensure that rope of heat or chemical resistant material is used.</p>	<p>(2) Where damage to a rope that forms an integral part of a scaffold from heat or chemicals is possible, an employer shall ensure that rope of heat or chemical resistant material is used.</p>	
<p>Scaffold Planks and Platforms</p>	<p>Scaffold Planks and Platforms</p>	
<p>193. (1) An employer shall ensure that scaffold planks (a) are inspected by a competent worker to ensure that the scaffold</p>	<p>193. (1) An employer shall ensure that scaffold planks (a) are inspected by a competent worker to ensure that the scaffold</p>	

<p>planks are free of defects before the planks are incorporated in a scaffold;</p> <p>(b) subject to subsections (2) and (4), are of 38 mm by 240 mm, number 1 structural grade spruce lumber or material of equivalent or greater strength;</p> <p>(c) are the same thickness as adjoining planks;</p> <p>(d) are laid tightly side by side with adjoining planks to cover the full width of the platform;</p> <p>(e) are secured to prevent accidental or inadvertent movement in any direction;</p> <p>(f) where wooden, do not span more than 3 m between vertical supports on a light-duty scaffold or 2.1 m between vertical supports on a heavy-duty scaffold;</p> <p>(g) where metal or manufactured laminate, do not have a span between vertical supports greater than the span recommended by the manufacturer; and</p> <p>(h) do not extend less than 150 mm or more than 300 mm beyond the bearers.</p>	<p>planks are free of defects before the planks are incorporated in a scaffold;</p> <p>(b) subject to subsections (2) and (4), are of 38 mm by 240 mm, number 1 structural grade spruce lumber or material of equivalent or greater strength;</p> <p>(c) are the same thickness as adjoining planks;</p> <p>(d) are laid tightly side by side with adjoining planks to cover the full width of the platform;</p> <p>(e) are secured to prevent accidental or inadvertent movement in any direction;</p> <p>(f) where wooden, do not span more than 3 m between vertical supports on a light-duty scaffold or 2.1 m between vertical supports on a heavy-duty scaffold;</p> <p>(g) where metal or manufactured laminate, do not have a span between vertical supports greater than the span recommended by the manufacturer; and</p> <p>(h) do not extend less than 150 mm or more than 300 mm beyond the bearers.</p>	
<p>(2) An employer or supplier shall ensure that</p> <p>(a) no wooden ladder or stepladder is painted with any substance other than a transparent coating; and</p> <p>(b) no ladder is made by fastening cleats across a single rail or post.</p>	<p>(2) An employer or supplier shall ensure that</p> <p>(a) no wooden ladder or stepladder is painted with any substance other than a transparent coating; and</p> <p>(b) no ladder is made by fastening cleats across a single rail or post.</p>	
<p>(3) Subject to subsection (4), an employer</p>	<p>(3) Subject to subsection (4), an employer</p>	

<p>shall ensure that a scaffold platform</p> <ul style="list-style-type: none"> (a) is at least 1/2 m wide in the case of a light-duty scaffold; (b) is at least 1 m wide in the case of a heavy-duty scaffold; and (c) is level or, where used as a ramp, has a slope at an angle not steeper than five horizontal to one vertical. 	<p>shall ensure that a scaffold platform</p> <ul style="list-style-type: none"> (a) is at least 1/2 m wide in the case of a light-duty scaffold; (b) is at least 1 m wide in the case of a heavy-duty scaffold; and (c) is level or, where used as a ramp, has a slope at an angle not steeper than five horizontal to one vertical. 	
<p>(4) A single manufactured extending painter's plank, or a plank that is 51 mm by 305 mm, number 1 structural grade spruce lumber or material of equivalent or greater strength, may be used in a ladderjack scaffold.</p>	<p>(4) A single manufactured extending painter's plank, or a plank that is 51 mm by 305 mm, number 1 structural grade spruce lumber or material of equivalent or greater strength, may be used in a ladderjack scaffold.</p>	<p><u>Stakeholders:</u> Should reference that ladder jacks must meet CSA standards and show load capacity.</p> <p><u>Committee:</u> Best practices and standards can be included in the codes of practice.</p>
<p>Wooden Scaffolds</p>	<p>Wooden Scaffolds</p>	
<p>194. (1) An employer shall ensure that the dimensions of members of a wooden light-duty scaffold that is less than 6 m in height are not less than the dimensions specified in Schedule M.</p>	<p>194. (1) An employer shall ensure that the dimensions of members of a wooden light-duty scaffold that is less than 6 m in height are not less than the dimensions specified in Schedule M.</p>	
<p>(2) An employer shall ensure that any wooden scaffold is constructed of unpainted number 1 structural grade spruce lumber or material of equivalent or greater strength.</p>	<p>(2) An employer shall ensure that any wooden scaffold is constructed of unpainted number 1 structural grade spruce lumber or material of equivalent or greater strength.</p>	
<p>Metal Scaffolds</p>	<p>Metal Scaffolds</p>	
<p>195. (1) Where a metal scaffold is used, an employer shall ensure that the metal scaffold is</p> <ul style="list-style-type: none"> (a) erected, used, maintained and dismantled in accordance with the manufacturer's or professional engineer's specifications and recommendations; and (b) inspected, by a competent person, prior to use and daily when in use for any damage, deterioration or weakening of the scaffold or the scaffold's components. 	<p>195. (1) Where a metal scaffold is used, an employer shall ensure that the metal scaffold is erected, used, maintained and dismantled in accordance with the manufacturer's or professional engineer's specifications and recommendations.</p>	<p><u>Stakeholders:</u> why would this daily inspection not apply to all scaffold before its use for the day plus a tag on the scaffold to indicate it was inspected and is safe to use</p> <p><u>Committee:</u> Agrees. Paragraph 191(2)(d) added and it is based on paragraph 195(1)(b) of the consultation draft. Paragraph 191(2)(d) applies to all scaffolds, not just metal ones.</p> <p>The tag is a good idea, but how the record or notice of inspections is carried out is left to the employer.</p>

<p>(2) Where a metal scaffold or a component of a metal scaffold is damaged, deteriorated or weakened so that the strength or stability of the scaffold is affected, an employer shall ensure that the scaffold is not used until the scaffold or component is repaired or replaced by a competent person in accordance with the manufacturer's or a professional engineer's specifications and recommendations.</p>	<p>(2) Where a metal scaffold or a component of a metal scaffold is damaged, deteriorated or weakened so that the strength or stability of the scaffold is affected, an employer shall ensure that the scaffold is not used until the scaffold or component is repaired or replaced by a competent person in accordance with the manufacturer's or a professional engineer's specifications and recommendations.</p>	
<p>(3) Where a metal scaffold is a tube and clamp scaffold, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) joints in adjacent uprights are staggered and do not occur in the same tier; (b) joints in uprights are located not more than one-third of a tier away from the connection of a ledger; (c) ledgers are erected horizontally along the length of the scaffold and coupled to each upright at regular intervals of one tier; (d) all ledgers are joined to form a continuous length; (e) individual tube lengths of a ledger are the lesser of <ul style="list-style-type: none"> (i) two or more bays in length; or (ii) the horizontal length of the scaffold; (f) tubes of different metals or gauges are not joined together; and (g) where base plates are required, they are securely installed in the uprights and securely attached to the sills. 	<p>(3) Where a metal scaffold is a tube and clamp scaffold, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) joints in adjacent uprights are staggered and do not occur in the same tier; (b) joints in uprights are located not more than one-third of a tier away from the connection of a ledger; (c) ledgers are erected horizontally along the length of the scaffold and coupled to each upright at regular intervals of one tier; (d) all ledgers are joined to form a continuous length; (e) individual tube lengths of a ledger are the lesser of <ul style="list-style-type: none"> (i) two or more bays in length; or (ii) the horizontal length of the scaffold; (f) tubes of different metals or gauges are not joined together; and (g) where base plates are required, they are securely installed in the uprights and securely attached to the sills. 	
<p>(4) Where a metal scaffold is a standard tubular frame scaffold, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) where base plates, shore heads, 	<p>(4) Where a metal scaffold is a standard tubular frame scaffold, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) where base plates, shore heads, 	

<p>extension devices or screwjacks are necessary, they are securely installed and securely attached to the sills and the legs of the frame; and</p> <p>(b) there are no gaps between the lower end of one frame and the upper end of the frame below on stacked frames.</p>	<p>extension devices or screwjacks are necessary, they are securely installed and securely attached to the sills and the legs of the frame; and</p> <p>(b) there are no gaps between the lower end of one frame and the upper end of the frame below on stacked frames.</p>	
<p>(5) Where a metal scaffold is a modular scaffold, an employer shall ensure that</p> <p>(a) where extension devices or screwjack bases and base collars are necessary, they are securely installed and securely attached to the sills;</p> <p>(b) joints in adjacent uprights are staggered and do not occur in the same tier;</p> <p>(c) there are no gaps between the lower end of one upright and the upper end of the upright below it;</p> <p>(d) ledgers, bearers and braces are properly secured; and</p> <p>(e) components from different modular scaffold systems are not used in the same scaffold.</p>	<p>(5) Where a metal scaffold is a modular scaffold, an employer shall ensure that</p> <p>(a) where extension devices or screwjack bases and base collars are necessary, they are securely installed and securely attached to the sills;</p> <p>(b) joints in adjacent uprights are staggered and do not occur in the same tier;</p> <p>(c) there are no gaps between the lower end of one upright and the upper end of the upright below it;</p> <p>(d) ledgers, bearers and braces are properly secured; and</p> <p>(e) components from different modular scaffold systems are not used in the same scaffold.</p>	<p><u>Stakeholders</u>: not sure I follow para (b) i.e. 5ft frame therefore all joints are in the same tier.</p> <p><u>Committee</u>: Recall two definitions from section 187:</p> <p>“modular scaffold” means a platform that is supported by uprights with fixed attachment points for standard-sized ledgers, bracing and accessories;</p> <p>“upright” means a vertical scaffold member that transmits the load to the ground, and includes posts, verticals and standards;</p> <p>Paragraph (b) does not refer to the supports for the platforms but rather to those for the uprights.</p>
<p>Heavy-Duty Scaffolds, Scaffolds Used at Certain Heights</p>	<p>Heavy-Duty Scaffolds, Scaffolds Used at Certain Heights</p>	
<p>196. (1) This section applies to a scaffold that</p> <p>(a) is to be used as a heavy-duty scaffold;</p> <p>(b) in the case of a wooden scaffold, has a platform at a height that is 6 m or more above either ground level or a permanent working surface; or</p> <p>(c) in the case of a metal scaffold, has a</p>	<p>196. (1) This section applies to a scaffold that</p> <p>(a) is to be used as a heavy-duty scaffold;</p> <p>(b) in the case of a wooden scaffold, has a platform at a height that is 6 m or more above either ground level or a permanent working surface; or</p>	

<p>platform at a height that is greater than 15 m above either ground level or a permanent working surface.</p>	<p>(c) in the case of a metal scaffold, has a platform at a height that is greater than 15 m above either ground level or a permanent working surface.</p>	
<p>(2) An employer shall ensure that a scaffold referred to in subsection (1) is</p> <ul style="list-style-type: none"> (a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or (b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations. 	<p>(2) An employer shall ensure that a scaffold referred to in subsection (1) is</p> <ul style="list-style-type: none"> (a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or (b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations. 	<p><u>Stakeholders</u>: note this statement applies to all scaffold and it should be a general statement at the start of the scaffold section</p> <p><u>Committee</u>: This statement applies to only those scaffolds described in subsection (1).</p>
<p>(3) While a scaffold referred to in subsection (1) is being constructed, erected, used, maintained or dismantled, an employer shall keep at the work site all drawings and supplementary information regarding the scaffold, including</p> <ul style="list-style-type: none"> (a) the dimensions, specifications, type and grade of all components of the scaffold; and (b) the maximum load and the maximum working load that the scaffold is designed or manufactured to support. 	<p>(3) While a scaffold referred to in subsection (1) is being constructed, erected, used, maintained or dismantled, an employer shall keep at the work site all drawings and supplementary information regarding the scaffold, including</p> <ul style="list-style-type: none"> (a) the dimensions, specifications, type and grade of all components of the scaffold; and (b) the maximum load and the maximum working load that the scaffold is designed or manufactured to support. 	
<p>(4) An employer shall make readily available to the workers a copy of the drawings and supplementary information referred to in subsection (3).</p>	<p>(4) An employer shall make readily available to the workers a copy of the drawings and supplementary information referred to in subsection (3).</p>	
<p>Bracket Scaffolds</p>	<p>Bracket Scaffolds</p>	
<p>197.An employer shall ensure that the brackets of</p>	<p>197.An employer shall ensure that the brackets</p>	

<p>a bracket scaffold are securely attached to prevent the brackets from dislodging and are not more than 3 m apart.</p>	<p>of a bracket scaffold are securely attached to prevent the brackets from dislodging and are not more than 3 m apart.</p>	
<p>Ladderjack Scaffolds</p>	<p>Ladderjack Scaffolds</p>	
<p>198.An employer shall ensure that (a) brackets and ladders used for a ladderjack scaffold are (i) designed and constructed to support the anticipated load safely, and (ii) used according to the manufacturer's specifications and recommendations; and (b) ladders used for a ladderjack scaffold are not more than 3 m apart.</p>	<p>198.An employer shall ensure that (a) brackets and ladders used for a ladderjack scaffold are (i) designed and constructed to support the anticipated load safely, and (ii) used according to the manufacturer's specifications and recommendations; and (b) ladders used for a ladderjack scaffold are not more than 3 m apart.</p>	<p><u>Stakeholders</u>: Should reference that ladders should be CSA grade I-heavy duty. <u>Committee</u>: This comment may be directed at section 194. Number 1 structural grade spruce is mentioned in that section. There is no need to cite the CSA standard here; it can be cited in a code of practice.</p>
<p>Single-Pole Scaffolds</p>	<p>Single-Pole Scaffolds</p>	
<p>199.An employer shall ensure that (a) a single-pole scaffold is adequately supported in two directions by a system of diagonal braces that are (i) not more than 6 m long, and (ii) connected to the uprights as close to the ledgers as possible; and (b) every ledger on a single-pole scaffold is supported by a bearer that is of substantial construction and that is securely fastened to the structure.</p>	<p>199.An employer shall ensure that (a) a single-pole scaffold is adequately supported in two directions by a system of diagonal braces that are (i) not more than 6 m long, and (ii) connected to the uprights as close to the ledgers as possible; and (b) every ledger on a single-pole scaffold is supported by a bearer that is of substantial construction and that is securely fastened to the structure.</p>	
<p>Outrigger Scaffolds</p>	<p>Outrigger Scaffolds</p>	
<p>200.Where an outrigger scaffold is used, an employer shall ensure that the scaffold is (a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or</p>	<p>200.Where an outrigger scaffold is used, an employer shall ensure that the scaffold is (a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or</p>	<p><u>Stakeholders</u>: note this statement applies to all scaffolds and it should be a general statement at the start of the scaffold section. <u>Committee</u>: This statement applies to outrigger scaffolds. There is nothing wrong with the</p>

<p>(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.</p>	<p>(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.</p>	<p>stakeholder acting in a more prudent manner than is required under these regulations.</p>
<p>Suspended Scaffolds</p>	<p>Suspended Scaffolds</p>	
<p>201. (1) Where a suspended scaffold is used, an employer or supplier shall ensure that the scaffold is</p> <p>(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or</p> <p>(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.</p>	<p>201. (1) Where a suspended scaffold is used, an employer or supplier shall ensure that the scaffold is</p> <p>(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or</p> <p>(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.</p>	<p><u>Stakeholders</u>: note this statement applies to all scaffolds and it should be a general statement at the start of the scaffold section.</p> <p><u>Committee</u>: This statement applies to suspended scaffolds. There is nothing wrong with the stakeholder acting in a more prudent manner than is required under these regulations.</p>
<p>(2) An employer shall ensure that the working parts of the hoisting mechanism of a suspended scaffold are left exposed so that defective parts or irregular working of the mechanism can be easily detected.</p>	<p>(2) An employer shall ensure that the working parts of the hoisting mechanism of a suspended scaffold are left exposed so that defective parts or irregular working of the mechanism can be easily detected.</p>	
<p>(3) An employer shall ensure that no worker is required or permitted to operate the hoisting mechanism of a suspended scaffold unless the worker is competent and has been designated by the employer to perform that work.</p>	<p>(3) An employer shall ensure that no worker is required or permitted to operate the hoisting mechanism of a suspended scaffold unless the worker is competent and has been designated by the employer to perform that work.</p>	
<p>(4) An employer shall ensure that all parts of a suspended scaffold are inspected prior to use and daily when in use.</p>	<p>(4) An employer shall ensure that all parts of a suspended scaffold are inspected prior to use and daily when in use.</p>	
<p>Suspended Powered Scaffolds</p>	<p>Suspended Powered Scaffolds</p>	
<p>202. (1) Where a suspended powered scaffold is</p>	<p>202. (1) Where a suspended powered scaffold is</p>	<p><u>Stakeholders</u>: note this statement applies to all</p>

<p>used, an employer or supplier shall ensure that the scaffold and its suspension system are</p> <ul style="list-style-type: none"> (a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or (b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations. 	<p>used, an employer or supplier shall ensure that the scaffold and its suspension system are</p> <ul style="list-style-type: none"> (a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or (b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations. 	<p>scaffolds and it should be a general statement at the start of the scaffold section.</p> <p><u>Committee:</u> This statement does not apply to all scaffolds, but only to suspended powered scaffolds. There is nothing wrong with the stakeholder acting in a more prudent manner than is required under these regulations.</p>
<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) where a parapet is part of the support structure of a suspended powered scaffold, the parapet can withstand the force of the load; and (b) the anchor points for the suspension system are secure and can safely withstand the load. 	<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) where a parapet is part of the support structure of a suspended powered scaffold, the parapet can withstand the force of the load; and (b) the anchor points for the suspension system are secure and can safely withstand the load. 	<p><u>Stakeholders:</u> note it must be able to withstand the impact force imposed by the falling load without failure.</p> <p><u>Committee:</u> The parapet and the anchor points must withstand the force exerted on them from the arrest of the fall. The arresting force and the load are related.</p>
<p>(3) An employer or supplier shall ensure that a power unit of a suspended powered scaffold is equipped with positive pressure controls and positive drives for raising and lowering the scaffold.</p>	<p>(3) An employer or supplier shall ensure that a power unit of a suspended powered scaffold is equipped with positive pressure controls and positive drives for raising and lowering the scaffold.</p>	
<p>(4) Where workers are required to use a manually-operated suspended powered scaffold, an employer or supplier shall ensure that</p> <ul style="list-style-type: none"> (a) the scaffold is equipped with spring-actuated locking pawls; (b) the hoisting mechanism is locked in a positive drive position by means of a spring-steel locking pin; and (c) the locking pin is permanently attached to the hoisting mechanism by a light chain. 	<p>(4) Where workers are required to use a manually-operated suspended powered scaffold, an employer or supplier shall ensure that</p> <ul style="list-style-type: none"> (a) the scaffold is equipped with spring-actuated locking pawls; (b) the hoisting mechanism is locked in a positive drive position by means of a spring-steel locking pin; and (c) the locking pin is permanently attached to the hoisting mechanism by a light chain. 	

<p>(5) Where a suspended powered scaffold is used, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the suspension rope consists of wire rope that is at least 8 mm in diameter or meets the specifications recommended by the manufacturer of the scaffold or the professional engineer who designed the scaffold; (b) either <ul style="list-style-type: none"> (i) the suspension rope is long enough to reach the next working surface below the scaffold, (ii) the end of the suspension rope is doubled back and held securely by a cable clamp to prevent the hoisting machine from running off the end of the rope, or (iii) directional limiting devices that prevent travel of the working platform beyond the safe limit of travel are installed; and (c) all rigging hardware has a safety factor of at least ten. 	<p>(5) Where a suspended powered scaffold is used, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the suspension rope consists of wire rope that is at least 8 mm in diameter or meets the specifications recommended by the manufacturer of the scaffold or the professional engineer who designed the scaffold; (b) either <ul style="list-style-type: none"> (i) the suspension rope is long enough to reach the next working surface below the scaffold, (ii) the end of the suspension rope is doubled back and held securely by a cable clamp to prevent the hoisting machine from running off the end of the rope, or (iii) directional limiting devices that prevent travel of the working platform beyond the safe limit of travel are installed; and (c) all rigging hardware has a safety factor of at least ten. 	
<p>(6) An employer shall ensure that a suspended powered scaffold is equipped with a secondary safety device that will activate if the suspension rope connection or primary hoisting system fails.</p>	<p>(6) An employer shall ensure that a suspended powered scaffold is equipped with a secondary safety device that will activate if the suspension rope connection or primary hoisting system fails.</p>	
<p>(7) An employer shall ensure that a lifeline used with a suspended powered scaffold is</p> <ul style="list-style-type: none"> (a) suspended independently from the scaffold; and (b) securely attached to a fixed anchor point so that the failure of the scaffold will not cause the lifeline to 	<p>(7) An employer shall ensure that a lifeline used with a suspended powered scaffold is</p> <ul style="list-style-type: none"> (a) suspended independently from the scaffold; and (b) securely attached to a fixed anchor point so that the failure of the scaffold will not cause the lifeline to 	

fail.	fail.	
<p>(8) An employer shall ensure that the working platform of a suspended powered scaffold</p> <ul style="list-style-type: none"> (a) is at least 500 mm wide and fastened to the stirrups; and (b) is designed to prevent the scaffold from swinging or swaying away from the structure from which the scaffold is suspended. 	<p>(8) An employer shall ensure that the working platform of a suspended powered scaffold</p> <ul style="list-style-type: none"> (a) is at least 500 mm wide and fastened to the stirrups; and (b) is designed to prevent the scaffold from swinging or swaying away from the structure from which the scaffold is suspended. 	
<p>(9) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) there is no covering or hoarding around or over a suspended powered scaffold; and (b) two or more suspended powered scaffolds are not linked together by bridging the distance between the scaffolds with planks or any similar form of connection. 	<p>(9) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) there is no covering or hoarding around or over a suspended powered scaffold; and (b) two or more suspended powered scaffolds are not linked together by bridging the distance between the scaffolds with planks or any similar form of connection. 	
<p>(10) Where a suspended powered scaffold is permanently installed on a structure, an employer shall, before the scaffold is used, ensure that a professional engineer has certified that the scaffold, its suspension system and all components and anchor points are safe.</p>	<p>(10) Notwithstanding paragraph 191(2)(d), where a suspended powered scaffold is permanently installed on a structure, an employer shall, before the scaffold is used, ensure that a professional engineer has certified that the scaffold, its suspension system and all components and anchor points are safe.</p>	<p><u>Stakeholders</u>: how often is this inspection to be performed ...</p> <p><u>Committee</u>: Prior to use. “Notwithstanding” is needed to deactivate subsection 191(2).</p>
Tie-In Guides	Tie-In Guides	
<p>203.(1) An owner shall ensure that a new structure that will be serviced by a suspended powered scaffold is constructed with</p> <ul style="list-style-type: none"> (a) fixed anchor points that will safely support the scaffold and lifelines; and (b) tie-in guides to provide a positive means of engagement between the suspended part of the equipment and the structure during the full 	<p>203.(1) An owner shall ensure that a new structure that will be serviced by a suspended powered scaffold is constructed with</p> <ul style="list-style-type: none"> (a) fixed anchor points that will safely support the scaffold and lifelines; and (b) tie-in guides to provide a positive means of engagement between the suspended part of the equipment and the structure during the full 	

vertical or inclined travel of the scaffold on the face of the structure.	vertical or inclined travel of the scaffold on the face of the structure.	
(2) The tie-in guides required by paragraph (1)(b) must meet the requirements of an approved standard.	(2) The tie-in guides required by paragraph (1)(b) must meet the requirements of an approved standard.	
Use of Suspended Powered Scaffolds	Use of Suspended Powered Scaffolds	
204. (1) An employer shall (a) develop work practices and procedures for the safe use of any suspended powered scaffold; (b) train the workers in the procedures required pursuant to paragraph (a); and (c) ensure that every worker complies with the procedures required pursuant to paragraph (a).	204. (1) An employer shall (a) develop work practices and procedures for the safe use of any suspended powered scaffold; (b) train the workers in the procedures required pursuant to paragraph (a); and (c) ensure that every worker complies with the procedures required pursuant to paragraph (a).	
(2) An employer shall ensure that a suspended powered scaffold is operated by a competent worker.	(2) An employer shall ensure that a suspended powered scaffold is operated by a competent worker.	
(3) An employer shall ensure that all parts of a suspended powered scaffold are inspected prior to use and daily when in use.	(3) An employer shall ensure that all parts of a suspended powered scaffold are inspected prior to use and daily when in use.	
(4) An employer shall ensure that a worker who works on a suspended powered scaffold is provided with and uses a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part 7.	(4) An employer shall ensure that a worker who works on a suspended powered scaffold is provided with and uses a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part 7.	
Workers' Responsibilities	Workers' Responsibilities	
205. (1) Before starting to work on a suspended powered scaffold, a worker shall inspect the scaffold to ensure that (a) the thrustouts or parapet hooks are secured; and (b) the suspension ropes and lifelines are free from abrasion or other damage.	205. (1) Before starting to work on a suspended powered scaffold, a worker shall inspect the scaffold to ensure that (a) the thrustouts or parapet hooks are secured; and (b) the suspension ropes and lifelines are free from abrasion or other damage.	

<p>(2) While working on a suspended powered scaffold, a worker shall</p> <ul style="list-style-type: none"> (a) remain on the platform between the suspension ropes at all times; (b) secure from fouling all ropes from the scaffold that extend to the ground or a landing; (c) use a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part 7; and (d) ensure that, when the scaffold is being moved up or down on a suspension rope, the scaffold is kept level. 	<p>(2) While working on a suspended powered scaffold, a worker shall</p> <ul style="list-style-type: none"> (a) remain on the platform between the suspension ropes at all times; (b) secure from fouling all ropes from the scaffold that extend to the ground or a landing; (c) use a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part 7; and (d) ensure that, when the scaffold is being moved up or down on a suspension rope, the scaffold is kept level. 	
<p>(3) A worker shall not</p> <ul style="list-style-type: none"> (a) bridge the distance between a suspended powered scaffold and any other scaffold with planks or by any other means; or (b) use the lifeline or the suspension ropes as a means of access to or exit from the scaffold except in cases of emergency. 	<p>(3) A worker shall not</p> <ul style="list-style-type: none"> (a) bridge the distance between a suspended powered scaffold and any other scaffold with planks or by any other means; or (b) use the lifeline or the suspension ropes as a means of access to or exit from the scaffold except in cases of emergency. 	
<p>(4) A worker shall comply with the work practices and procedures developed pursuant to paragraph 204(1)(a).</p>	<p>(4) A worker shall comply with the work practices and procedures developed pursuant to paragraph 204(1)(a).</p>	
<p>Rolling Scaffolds</p>	<p>Rolling Scaffolds</p>	
<p>206. (1) An employer shall ensure that the height of a rolling scaffold is not more than three times</p> <ul style="list-style-type: none"> (a) the smallest dimension of the scaffold's base; or (b) where outriggers are provided, the smallest dimension of the scaffold's base, including the extended outriggers. 	<p>206. (1) An employer shall ensure that the height of a rolling scaffold is not more than three times</p> <ul style="list-style-type: none"> (a) the smallest dimension of the scaffold's base; or (b) where outriggers are provided, the smallest dimension of the scaffold's base, including the extended outriggers. 	<p><u>Stakeholders:</u> Farm wagons cannot be used for rolling platforms unless they have been designed and built in accordance with professional engineers specs.</p> <p><u>Committee:</u> A "scaffold" and a "rolling scaffold" are defined in section 187. The definition of scaffold suggests a temporary elevated platform supporting a structure. A "farm wagon scaffold"</p>

		is essentially a scaffold mounted on a cart. All of the applicable provisions in this Part apply to the scaffold.
(2) Where outriggers are provided on a rolling scaffold, an employer shall ensure that the outriggers are firmly attached to the scaffold uprights to ensure the stability of the scaffold.	(2) Where outriggers are provided on a rolling scaffold, an employer shall ensure that the outriggers are firmly attached to the scaffold uprights to ensure the stability of the scaffold.	
(3) An employer shall ensure that (a) each wheel on a rolling scaffold is equipped with a device to securely attach the wheel to the scaffold; (b) where vertical adjusting devices are required, they are securely attached to the scaffold; and (c) each rolling scaffold is secured against inadvertent movement while a worker is on the scaffold.	(3) An employer shall ensure that (a) each wheel on a rolling scaffold is equipped with a device to securely attach the wheel to the scaffold; (b) where vertical adjusting devices are required, they are securely attached to the scaffold; and (c) each rolling scaffold is secured against inadvertent movement while a worker is on the scaffold.	
(4) An employer shall ensure that a scaffold erected on a movable platform is securely fastened to that platform.	(4) An employer shall ensure that a scaffold erected on a movable platform is securely fastened to that platform.	
(5) An employer shall not require or permit a worker to remain on a rolling scaffold while the scaffold is being moved unless (a) the height of the work platform does not exceed twice the shortest base dimension of the scaffold; (b) the route to be travelled by the rolling scaffold has been thoroughly examined and found to be free of any condition that could cause the rolling scaffold to tilt or otherwise go out of control; and (c) a work platform fills the entire area enclosed by the scaffold structure.	(5) An employer shall not require or permit a worker to remain on a rolling scaffold while the scaffold is being moved unless (a) the height of the work platform does not exceed twice the shortest base dimension of the scaffold; (b) the route to be travelled by the rolling scaffold has been thoroughly examined and found to be free of any condition that could cause the rolling scaffold to tilt or otherwise go out of control; and (c) a work platform fills the entire area enclosed by the scaffold structure.	<u>Stakeholders</u> : Suggest removing the exception and subsections (a) and (b). [We are] of the view that it is bad practice to move a rolling scaffold with workers on it, exceptions are not appropriate in any circumstances. <u>Committee</u> : When a worker is permitted on this type of scaffold while it is moving is very limited (A, B AND C must be satisfied). The provision suggests that the scaffold will have to tilt about $\arctan(2) \approx 63$ degrees before it falls over. That is a sizable tilt. The stakeholder may be voicing industry best practice and this can be stated in a code of practice.
Prohibition	Prohibition	
207.Except as provided in sections 208 and 210, an employer shall ensure that no worker is raised	207.Except as provided in sections 208 and 210, an employer shall ensure that no worker is raised	

<p>or lowered by, or works on, a platform or load suspended from powered mobile equipment.</p>	<p>or lowered by, or works on, a platform or load suspended from powered mobile equipment.</p>	
<p>Aerial Devices and Elevating Work Platforms</p>	<p>Aerial Devices and Elevating Work Platforms</p>	
<p>208. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) an aerial device, elevating work platform or personnel lifting unit is designed, constructed, erected, operated and maintained in accordance with an approved standard; or (b) a professional engineer has certified that <ul style="list-style-type: none"> (i) an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are safe for the purpose of raising workers and loads, and (ii) the components of an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are designed in accordance with an approved standard. 	<p>208. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) an aerial device, elevating work platform or personnel lifting unit is designed, constructed, erected, operated and maintained in accordance with an approved standard; or (b) a professional engineer has certified that <ul style="list-style-type: none"> (i) an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are safe for the purpose of raising workers and loads, and (ii) the components of an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are designed in accordance with an approved standard. 	<p><u>Stakeholders:</u> approved by whom are we going to approve before purchase or what.</p> <p><u>Committee:</u> "approved" is a defined term in section 1, and means approved by an agency acceptable to the CSO or the CSO.</p>
<p>(2) An employer shall not require or permit a worker to be raised or lowered by any aerial device or elevating work platform or to work from a device or platform held in an elevated position unless</p> <ul style="list-style-type: none"> (a) there is an adequate and suitable means of communication between the worker operating the controls and the worker raised on the platform, if they are not the same person; (b) the elevating mechanism is designed so that, if any failure of the 	<p>(2) An employer shall not require or permit a worker to be raised or lowered by any aerial device or elevating work platform or to work from a device or platform held in an elevated position unless</p> <ul style="list-style-type: none"> (a) there is an adequate and suitable means of communication between the worker operating the controls and the worker raised on the platform, if they are not the same person; (b) the elevating mechanism is designed so that, if any failure of the 	

<p>mechanism occurs, the platform will descend in a controlled manner so that no worker on the platform will be endangered;</p> <p>(c) the controls are designed so that the platform will be moved only when direct pressure is applied to the controls;</p> <p>(d) the drive mechanism of any operation for moving the platform is positive and does not rely on gravity;</p> <p>(e) road traffic conditions, environmental conditions, overhead wires, cables and other obstructions do not create a danger to the worker;</p> <p>(f) the brakes of the aerial device or elevating work platform are engaged;</p> <p>(g) if the aerial device or elevating work platform is equipped with outriggers, the outriggers are set;</p> <p>(h) the worker is provided with and is required to use a personal fall arrest system pursuant to Part 7; and</p> <p>(i) the aerial device or elevating work platform is equipped with a lanyard attachment point that is</p> <p>(i) designed and constructed to an approved standard, or</p> <p>(ii) certified as safe by a professional engineer and installed and used in accordance with that design.</p>	<p>mechanism occurs, the platform will descend in a controlled manner so that no worker on the platform will be endangered;</p> <p>(c) the controls are designed so that the platform will be moved only when direct pressure is applied to the controls;</p> <p>(d) the drive mechanism of any operation for moving the platform is positive and does not rely on gravity;</p> <p>(e) road traffic conditions, environmental conditions, overhead wires, cables and other obstructions do not create a danger to the worker;</p> <p>(f) the brakes of the aerial device or elevating work platform are engaged;</p> <p>(g) if the aerial device or elevating work platform is equipped with outriggers, the outriggers are set;</p> <p>(h) the worker is provided with and is required to use a personal fall arrest system pursuant to Part 7; and</p> <p>(i) the aerial device or elevating work platform is equipped with a lanyard attachment point that is</p> <p>(i) designed and constructed to an approved standard, or</p> <p>(ii) certified as safe by a professional engineer and installed and used in accordance with that design.</p>	
<p>(3) Notwithstanding any other provision in this section but subject to section 462, an employer shall not require or permit a worker</p>	<p>(3) Notwithstanding any other provision in this section, an employer shall not require or permit a worker working on an exposed</p>	<p><u>Stakeholders:</u> Clarify that this precludes operating an aerial device from the ground when the worker is up in the bucket on dual controls</p>

<p>working on an exposed energized high voltage electrical conductor to work from an aerial device or elevating work platform unless the controls are operated by the worker on the device or platform.</p>	<p>energized high voltage electrical conductor to work from an aerial device or elevating work platform unless the controls are operated by that worker on the device or platform.</p>	<p>equipment. <u>Committee:</u> "The worker" in this subsection refers to that worker working on the exposed energized HV electrical conductor. There is no overriding provision of the controls as in the case of robotics with the pendant. The stakeholder's comment seems consistent with the provision.</p>
<p>(4) Where a worker leaves an aerial device or elevating work platform parked or unattended, an employer shall ensure that the device or platform</p> <ul style="list-style-type: none"> (a) is locked or rendered inoperative; or (b) is fully lowered and retracted with all hydraulic systems in the neutral position or incapable of operating by moving the controls. 	<p>(4) Where a worker leaves an aerial device or elevating work platform parked or unattended, an employer shall ensure that the device or platform</p> <ul style="list-style-type: none"> (a) is locked or rendered inoperative; or (b) is fully lowered and retracted with all hydraulic systems in the neutral position or incapable of operating by moving the controls. 	
<p>(5) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a worker who operates an aerial device or elevating work platform is trained to operate the device or platform safely; and (b) the training includes the manufacturer's instructions and recommendations, the load limitations, the proper use of all controls and any limitations on the surfaces on which the device or platform is designed to be used. 	<p>(5) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a worker who operates an aerial device or elevating work platform is trained to operate the device or platform safely; and (b) the training includes the manufacturer's instructions and recommendations, the load limitations, the proper use of all controls and any limitations on the surfaces on which the device or platform is designed to be used. 	
<p>(6) An employer or contractor shall ensure that, while a worker is on a work platform mounted on a forklift and the forklift is in the raised position, the operator</p> <ul style="list-style-type: none"> (a) remains at the controls; and (b) does not drive the forklift. 	<p>(6) An employer shall ensure that, while a worker is on a work platform mounted on a forklift and the forklift is in the raised position, the operator</p> <ul style="list-style-type: none"> (a) remains at the controls; and (b) does not drive the forklift. 	<p><u>Stakeholders:</u> why is the word contractor added to this don't recall it used before <u>Committee:</u> Presence of the word "contractor" is an artefact from Saskatchewan OHS Regs. Word search carried out through entire draft. Three other instances identified and corrected.</p>
<p>(7) An employer shall ensure that the</p>	<p>(7) An employer shall ensure that the</p>	

manufacturer's operating manual for the aerial device or elevating work platform is kept with the device or platform at all times.	manufacturer's operating manual for the aerial device or elevating work platform is kept with the device or platform at all times.	
Maintenance and Inspection	Maintenance and Inspection	
209. (1) An employer or supplier shall ensure that only competent persons maintain and inspect an aerial device, elevating work platform, suspended powered scaffold, personnel lifting unit or scaffold to which section 196 applies.	209. (1) An employer or supplier shall ensure that only competent persons maintain and inspect an aerial device, elevating work platform, suspended powered scaffold, personnel lifting unit or scaffold to which section 196 applies.	<u>Stakeholders</u> : section 196 or should this be 201, 202 etc. <u>Committee</u> : References checked and they are fine.
(2) An employer or supplier shall, in respect of the aerial device, elevating work platform, suspended powered scaffold, personnel lifting unit or scaffold, ensure that a maintenance and inspection record (a) is provided and is attached to it near the operator's station; and (b) includes the following recorded information concerning the last maintenance: (i) the date of the maintenance; (ii) the name and signature of the person who performed the maintenance; (iii) an indication that the maintenance has been carried out in accordance with the manufacturer's recommendations.	(2) An employer or supplier shall, in respect of the aerial device, elevating work platform, suspended powered scaffold, personnel lifting unit or scaffold, ensure that a maintenance and inspection record (a) is provided and is attached to it near the operator's station; and (b) includes the following recorded information concerning the last maintenance: (i) the date of the maintenance; (ii) the name and signature of the person who performed the maintenance; (iii) an indication that the maintenance has been carried out in accordance with the manufacturer's recommendations.	
Forklifts	Forklifts	
210. (1) An employer shall ensure that no worker is raised or lowered by, or required or permitted to work on, a forklift or any device mounted on a forklift except as provided by this section.	210. (1) An employer shall ensure that no worker is raised or lowered by, or required or permitted to work on, a forklift or any device mounted on a forklift except as provided by this section.	
(2) An employer shall ensure that a work platform mounted on a forklift on which a worker may be raised or lowered or required or permitted to work is	(2) An employer shall ensure that a work platform mounted on a forklift on which a worker may be raised or lowered or required or permitted to work is	<u>Stakeholders</u> : Should be secured to the mast. <u>Committee</u> : This comment does not make sense. The forks of a forklift are attached to the carriage

<p>(a) designed and constructed to an approved standard or designed and constructed and certified safe for use by a professional engineer to support safely the maximum load that the platform is expected to support;</p> <p>(b) securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform;</p> <p>(c) equipped with guardrails and toeboards that meet the requirements of sections 137 and 138; and</p> <p>(d) equipped with a screen or similar barrier along the edge of the platform adjacent to the mast of the forklift to prevent a worker from contacting the mast drive mechanism.</p>	<p>(a) designed and constructed to an approved standard or designed and constructed and certified safe for use by a professional engineer to support safely the maximum load that the platform is expected to support;</p> <p>(b) securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform;</p> <p>(c) equipped with guardrails and toeboards that meet the requirements of sections 137 and 138; and</p> <p>(d) equipped with a screen or similar barrier along the edge of the platform adjacent to the mast of the forklift to prevent a worker from contacting the mast drive mechanism.</p>	<p>and the carriage is elevated along a mast. The platform is required to be attached securely to the forks of the forklift in para (b). If it is attached to the mast, the forks will not lift properly.</p>
<p>(3) The employer shall ensure that a worker working from a work platform referred to in subsection (2) uses a personal fall arrest system that meets the requirements of Part 7.</p>	<p>(3) The employer shall ensure that a worker working from a work platform referred to in subsection (2) uses a personal fall arrest system that meets the requirements of Part 7.</p>	
<p>(4) An employer or contractor shall comply with the requirements referred to in section 186.</p>	<p>(4) An employer shall comply with the requirements referred to in section 186.</p>	
<p>Temporary Supporting Structures</p>	<p>Temporary Supporting Structures</p>	
<p>211.(1) An employer shall ensure that a temporary supporting structure is designed and constructed to withstand safely all loads that the structure is intended, or may reasonably be anticipated, to support.</p>	<p>211.(1) An employer shall ensure that a temporary supporting structure is designed and constructed to withstand safely all loads that the structure is intended, or may reasonably be anticipated, to support.</p>	
<p>(2) Without limiting the generality of subsection (1), an employer shall meet the requirements of subsection (3) where a temporary supporting structure consists of</p>	<p>(2) An employer shall, subject to subsection (3), ensure that</p> <p>(a) a temporary supporting structure</p> <p>(i) is designed by a professional</p>	<p><u>Stakeholders:</u> Why more than 3.6 m? What is required from 0 to 12 feet you will need to design it</p>

<p>(a) shoring that is more than 3.6 m high; or (b) members that are connected to one another so that a load applied to any member of the structure may alter the stresses induced in the other members.</p>	<p>engineer, (ii) is inspected by a professional engineer after assembly and before use, and (iii) is certified by a professional engineer to be safe; and (b) all the drawings and other instructions necessary to construct and use the temporary supporting structure safely are kept at the work site.</p>	<p><u>Committee</u>: 3.6 m chosen in the interests of harmonization with other jurisdictions.</p> <p>Subsection (2) and (3) indicate that if the shoring is greater than 3.6 m OR the members that are connected to one another so that a load applied to any member of the structure may alter the stresses induced in the other members, the involvement of the professional engineer under paragraph (3)(a) and the keeping of the drawings and instructions on site under paragraph (3)(b) are required. Even if the shoring is less than 3.6 m, involvement of the professional engineer may still be required if paragraph (2)(b) applies. Paragraph (3)(b) applies always.</p> <p><u>Stakeholders</u>: does he mean (2)(a)?</p> <p><u>Committee</u>: Subsections (2) and (3) were reviewed and revised to improve clarity. They were also swapped in terms of order.</p>
<p>(3) An employer shall ensure that (a) a temporary supporting structure referred to in subsection (2) (i) is designed by a professional engineer, (ii) is inspected by a professional engineer after assembly and before use, and (iii) is certified by a professional engineer to be safe; and (b) all the drawings and other instructions necessary to construct and use the temporary supporting structure safely are kept at the work site.</p>	<p>(3) Paragraph (2)(a) does not apply where a temporary supporting structure consists of (a) shoring that is less than 3.6 m high; or (b) members that are not connected to one another so that a load applied to any member of the structure may alter the stresses induced in the other members.</p>	
<p>(4) An employer shall ensure that a scaffold</p>	<p>(4) An employer shall ensure that a scaffold</p>	

<p>constructed as an integral part of a temporary supporting structure is designed and certified to be safe by a professional engineer.</p>	<p>constructed as an integral part of a temporary supporting structure is designed and certified to be safe by a professional engineer.</p>	
<p>Flyform Deck Panels</p>	<p>Flyform Deck Panels</p>	
<p>212. (1) In addition to the requirements of section 211, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) all drawings and written procedures that are necessary to safely assemble, fly, use, dismantle or re-use a flyform deck panel are kept at the work site for reference by workers; (b) the workers are instructed in and comply with the procedures referred to in paragraph (a); (c) a flyform deck panel is securely attached to the permanent structure or to an adjacent panel; and (d) the attachments referred to in paragraph (c) are completed and made secure before the flyform deck panel is detached from the hoist used to position the panel. 	<p>212. (1) In addition to the requirements of section 211, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) all drawings and written procedures that are necessary to safely assemble, fly, use, dismantle or re-use a flyform deck panel are kept at the work site for reference by workers; (b) the workers are instructed in and comply with the procedures referred to in paragraph (a); (c) a flyform deck panel is securely attached to the permanent structure or to an adjacent panel; and (d) the attachments referred to in paragraph (c) are completed and made secure before the flyform deck panel is detached from the hoist used to position the panel. 	
<p>(2) The drawings and procedures referred to in paragraph (1)(a) must include</p> <ul style="list-style-type: none"> (a) the plan view, the longitudinal section and the cross-section of the panel; (b) the calculated position of the centre of gravity of the panel; (c) the step-by-step procedures for all phases of assembly, flying, use, dismantling, repair and re-use of the panel; (d) procedures for ensuring stability, if the panel is inherently unstable; 	<p>(2) The drawings and procedures referred to in paragraph (1)(a) must include</p> <ul style="list-style-type: none"> (a) the plan view, the longitudinal section and the cross-section of the panel; (b) the calculated position of the centre of gravity of the panel; (c) the step-by-step procedures for all phases of assembly, flying, use, dismantling, repair and re-use of the panel; (d) procedures for ensuring stability, if the panel is inherently unstable; 	

<p>(e) procedures for application of the panel on a non-typical floor; and (f) any other instructions that are necessary to ensure the safety of workers.</p>	<p>(e) procedures for application of the panel on a non-typical floor; and (f) any other instructions that are necessary to ensure the safety of workers.</p>	
Erection of Masonry Wall	Erection of Masonry Wall	
213. An employer shall ensure that a temporary supporting structure used to stabilize a masonry wall during the erection of the wall is not removed until the wall has been permanently stabilized.	213. An employer shall ensure that a temporary supporting structure used to stabilize a masonry wall during the erection of the wall is not removed until the wall has been permanently stabilized.	
Erection of Skeleton Structure	Erection of Skeleton Structure	
214. (1) Where structural members of a skeleton structure or concrete sections of a structure are to be erected, an employer shall ensure that the design includes safe procedures for erecting the members or sections.	214. (1) Where structural members of a skeleton structure or concrete sections of a structure are to be erected, an employer shall ensure that the design includes safe procedures for erecting the members or sections.	
<p>(2) An employer shall ensure that (a) the design and safe procedures for erecting the members or sections required by subsection (1) are certified as safe by a professional engineer; and (b) all the necessary drawings and instructions to erect the structure safely are kept at the work site.</p>	<p>(2) An employer shall ensure that (a) the design and safe procedures for erecting the members or sections required by subsection (1) are certified as safe by a professional engineer; and (b) all the necessary drawings and instructions to erect the structure safely are kept at the work site.</p>	
(3) An employer shall ensure that workers are instructed in and follow the safe procedures required by subsection (1).	(3) An employer shall ensure that workers are instructed in and follow the safe procedures required by subsection (1).	
<p>(4) Where the procedures referred to in subsection (1) have to be modified, an employer shall ensure that (a) the procedures are certified by a professional engineer; and (b) the drawings showing the procedures are available at the work site.</p>	<p>(4) Where the procedures referred to in subsection (1) have to be modified, an employer shall ensure that (a) the procedures are certified by a professional engineer; and (b) the drawings showing the procedures are available at the work site.</p>	

<p>(5) An employer shall ensure that a competent supervisor is present on the work site while the erection of a skeleton structure is in progress until the structure has been permanently stabilized.</p>	<p>(5) An employer shall ensure that a competent supervisor is present on the work site while the erection of a skeleton structure is in progress until the structure has been permanently stabilized.</p>	
<p>PART 13 HOISTS, CRANES AND LIFTING DEVICES</p>	<p>PART 13 HOISTS, CRANES AND LIFTING DEVICES</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>215. In this Part,</p>	<p>215. In this Part,</p>	
<p>“anti two block warning device” means a device that warns the worker that continued upward movement of the load line may cause the load block to strike the upper sheaves;</p> <p>“boom” means a member that is attached to a crane superstructure and used to support the upper end of the hoisting tackle;</p> <p>“crane” means equipment that is designed to lift, lower and move loads horizontally and that consists of a rotating superstructure, operating machinery and a boom;</p> <p>“designated operator” means a worker designated pursuant to paragraph 220(2)(a) to operate a hoist, crane or lifting device;</p> <p>“jib” means an extension to a boom that is attached to the boom tip to provide additional boom length;</p> <p>“lifting device” means a device that is used to raise or lower material or an object, but does not include a crane or hoist;</p> <p>“load rating” means the maximum loads that may be lifted or lowered safely at a series of stated</p>	<p>“anti two block warning device” means a device that warns the worker that continued upward movement of the load line may cause the load block to strike the upper sheaves;</p> <p>“boom” means a member that is attached to a crane superstructure and used to support the upper end of the hoisting tackle;</p> <p>“crane” means equipment that is designed to lift, lower and move loads horizontally and that consists of a rotating superstructure, operating machinery and a boom;</p> <p>“designated operator” means a worker designated pursuant to paragraph 220(2)(a) to operate a hoist, crane or lifting device;</p> <p>“jib” means an extension to a boom that is attached to the boom tip to provide additional boom length;</p> <p>“lifting device” means a device that is used to raise or lower material or an object, but does not include a crane or hoist;</p> <p>“load rating” means the maximum loads that may be lifted or lowered safely at a series of</p>	<p><u>Stakeholders</u>: should include pulling devices</p> <p><u>Committee</u>: The definition of a crane includes horizontal motion. By a "pulling device" presumably one means a winch, windlass or capstan. This is addressed in Part 14 Rigging.</p> <p><u>Stakeholders</u>: not all cranes have rotating structure and booms overhead bridge crane</p> <p><u>Committee</u>: For the purposes of this Part, to be a “crane” as defined, the device must have a rotating superstructure. -If this is not present, the equipment is not a crane. It might be a hoist or a lifting device instead.</p> <p><u>Stakeholders</u>: "hoist" is not defined what about tuggers</p> <p><u>Committee</u>: A "hoist" is defined in section 1. Since it is a globally defined term that definition applies to this Part. A "tugger" (or "tug vehicle") is PME (e.g. aircraft tugger).</p>

<p>configurations under a series of stated conditions;</p> <p>“material hoist” means a hoist that is designed to raise and lower equipment or material and that has a load-carrying unit that moves within fixed guides, but does not include a hoist that is designed to raise or lower workers;</p> <p>“mobile crane” means a crane mounted on a truck, wheel or crawler base that can move freely under the crane’s own power without being restricted to a predetermined path;</p> <p>“rated load” means the maximum load that may be lifted or lowered safely using a particular configuration under the conditions existing at the time of the lifting or lowering operation;</p> <p>“tower crane” means a crane that is mounted on a tower and that can rotate about the axis of the tower;</p> <p>“tower hoist” means a hoist with a tower that forms an integral part of the supporting structure and a load-carrying unit that travels between fixed guides.</p>	<p>stated configurations under a series of stated conditions;</p> <p>“material hoist” means a hoist that is designed to raise and lower equipment or material and that has a load-carrying unit that moves within fixed guides, but does not include a hoist that is designed to raise or lower workers;</p> <p>“mobile crane” means a crane mounted on a truck, wheel or crawler base that can move freely under the crane’s own power without being restricted to a predetermined path;</p> <p>“rated load” means the maximum load that may be lifted or lowered safely using a particular configuration under the conditions existing at the time of the lifting or lowering operation;</p> <p>“tower crane” means a crane that is mounted on a tower and that can rotate about the axis of the tower;</p> <p>“tower hoist” means a hoist with a tower that forms an integral part of the supporting structure and a load-carrying unit that travels between fixed guides.</p>	
<p>Application of Part</p>	<p>Application of Part</p>	
<p>216.This Part applies to hoists, cranes and lifting devices other than hoists, cranes and lifting devices that are governed by the <i>Electrical Protection Act</i> or regulations made under that Act.</p>	<p>216.This Part applies to hoists, cranes and lifting devices other than hoists, cranes and lifting devices that are governed by the <i>Electrical Protection Act</i> or regulations made under that Act.</p>	<p><u>Stakeholders:</u> [ss. 215-242] Digger derrick and in general equipment used to set poles are exempt from craning. Confirm that section 216 exempts that type of equipment.</p> <p><u>Committee:</u> Digger derrick is a type of general equipment used to set poles. There is a standard on digger derricks (ANSI/ASSE A10.31-1995 <i>Safety Requirements, Definitions and Specifications for</i></p>

		<p><i>Digger Derricks American National Standard for Construction and Demolition Operations</i>). Despite the standard, which is not legislation, even if adopted, a digger derrick is a type of lifting device and might even be a crane under this Part. It depends on the configuration.</p> <p>There is no reason why such a device should be exempt from this Part.</p> <p><u>Stakeholders</u>: Confirm whether the same exclusions be included for utilities as in the Saskatchewan Regulations [in respect of electrical utility workers]?</p> <p><u>Committee</u>: No such exclusions were identified in the Saskatchewan Regulations. This Part comes directly from the Saskatchewan Regulations. Stakeholder may have been referring to the existence of an exemption order under section 46 of the <i>Occupational Health and Safety Act, S.S. 1993, c.01.1</i>. No such exemption order was identified.</p> <p>Section 216 is not aimed at electrical utility workers but rather at the provisions in the <i>Electrical Protection Act</i> and its regulations that govern elevators and escalators. Those are lifting devices but they fall under the domain of that Act and its regulations, not under the <i>Safety Act</i> and these regulations.</p>
<p>General Requirements</p>	<p>General Requirements</p>	
<p>217.(1) An employer shall ensure that every hoist, crane and lifting device, including all rigging, used at a work site is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist,</p>	<p>217.(1) An employer shall ensure that every hoist, crane and lifting device, including all rigging, used at a work site is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist,</p>	<p><u>Stakeholders</u>: note this equipment must be approved before it is first used in NT/NU (applies to entire section)</p> <p><u>Committee</u>: The responsibility under this section</p>

crane, lifting device or rigging is used.	crane, lifting device or rigging is used.	is with the employer and supplier.
(2) A supplier shall ensure that every hoist, crane and lifting device, including all rigging, supplied for use at a work site is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist, crane, lifting device or rigging is intended to be used.	(2) A supplier shall ensure that every hoist, crane and lifting device, including all rigging, supplied for use at a work site is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist, crane, lifting device or rigging is intended to be used.	
Standards	Standards	
218. (1) An employer shall ensure that all hoists, cranes and lifting devices are constructed, inspected, tested, maintained and operated in accordance with an approved standard.	218. (1) An employer shall ensure that all hoists, cranes and lifting devices are constructed, inspected, tested, maintained and operated in accordance with an approved standard.	
(2) A supplier shall ensure that all hoists, cranes and lifting devices are constructed, inspected, tested and maintained in accordance with an approved standard.	(2) A supplier shall ensure that all hoists, cranes and lifting devices are constructed, inspected, tested and maintained in accordance with an approved standard.	
Load Ratings	Load Ratings	
219. (1) An employer shall ensure that a hoist, crane or lifting device is provided with a durable and clearly legible indication of the load rating that is readily accessible to the operator at the control station.	219. (1) An employer shall ensure that a hoist, crane or lifting device is provided with a durable and clearly legible indication of the load rating that is readily accessible to the operator at the control station.	
(2) A supplier shall ensure that the indication of the load rating of a hoist, crane or lifting device contains (a) all appropriate load ratings for the hoist, crane or lifting device; (b) any applicable warning that no allowance is made in the load ratings for such factors as the effects of swinging loads, tackle weight, wind, degree of machine level, ground conditions, inflation of tires and operating speeds; and (c) any applicable restrictions on operating in low temperatures.	(2) A supplier shall ensure that the indication of the load rating of a hoist, crane or lifting device contains (a) all appropriate load ratings for the hoist, crane or lifting device; (b) any applicable warning that no allowance is made in the load ratings for such factors as the effects of swinging loads, tackle weight, wind, degree of machine level, ground conditions, inflation of tires and operating speeds; and (c) any applicable restrictions on operating in low temperatures.	

Designated Operator	Designated Operator	
<p>220. (1) In this section,</p> <p>“competent operator” means a worker who</p> <ul style="list-style-type: none"> (a) has successfully completed a training program that includes all of the elements set out in Schedule N for the crane that the worker will be required or permitted to operate; or (b) is completing the practical training required by Part II of Schedule N under the direct supervision of a competent operator or a qualified operator; <p>“qualified operator” means</p> <ul style="list-style-type: none"> (a) a holder of a certificate of qualification in the crane and hoist operator trade issued pursuant to the <i>Apprenticeship, Trade and Occupation Certification Act</i>, (b) an apprentice in the crane and hoist operator trade who is working under the direction of a person described in paragraph (a) or (c), or (c) any other worker who <ul style="list-style-type: none"> (i) has received training and has experience in the safe operation of a crane that, in the opinion of the Chief Safety Officer, is equivalent to or superior to the training and experience of a person referred to in paragraph (a) or (b), or (ii) is a member of a category of workers whose training and experience in the safe operation of a crane is, in the opinion of 	<p>220. (1) In this section,</p> <p>“competent operator” means a worker who</p> <ul style="list-style-type: none"> (a) has successfully completed a training program that includes all of the elements set out in Schedule N for the crane that the worker will be required or permitted to operate; or (b) is completing the practical training required by Part II of Schedule N under the direct supervision of a competent operator or a qualified operator; <p>“qualified operator” means</p> <ul style="list-style-type: none"> (a) a holder of a certificate of qualification in the crane and hoist operator trade issued pursuant to the <i>Apprenticeship, Trade and Occupation Certification Act</i>, (b) an apprentice in the crane and hoist operator trade who is working under the direction of a person described in paragraph (a) or (c), or (c) any other worker who <ul style="list-style-type: none"> (i) has received training and has experience in the safe operation of a crane that, in the opinion of the Chief Safety Officer, is equivalent to or superior to the training and experience of a person referred to in paragraph (a) or (b), or (ii) is a member of a category of workers whose training and experience in the safe operation of a crane is, in the 	<p><u>Stakeholders:</u> re: "qualified operator" Should make reference to NT Act or Regulations not Saskatchewan.</p> <p><u>Committee:</u> There is no reference to any Saskatchewan regulation in this section. The Act cited is the new <i>Apprenticeship, Trade and Occupation Certification Act</i>, S.N.W.T. 2010, c.13, not yet in force. Although these regulations are drafted from an NT perspective, this reference will need to be changed for the NU version of these regulations.</p> <p><u>Stakeholders:</u> re: "qualified operator" para (c) Chief Safety Officer must provide confirmation in writing.</p> <p><u>Committee:</u> This can be addressed in a code of practice. A diligent operator and employer will ensure that they have written proof of such an opinion. The code of practice may also set out with whom the CSO will consult.</p>

<p>the Chief Safety Officer, equivalent to or superior to the training and experience of a person referred to in paragraph (a).</p>	<p>opinion of the Chief Safety Officer, equivalent to or superior to the training and experience of a person referred to in paragraph (a).</p>	
<p>(2) An employer shall (a) designate a worker to operate a hoist, crane or lifting device; (b) ensure that the designated operator is trained in the operation of that hoist, crane or lifting device; and (c) ensure that no worker other than a designated operator operates that hoist, crane or lifting device.</p>	<p>(2) An employer shall (a) designate a worker to operate a hoist, crane or lifting device; (b) ensure that the designated operator is trained in the operation of that hoist, crane or lifting device; and (c) ensure that no worker other than a designated operator operates that hoist, crane or lifting device.</p>	
<p>(3) Subject to subsection (4), an employer shall ensure that the designated operator is a qualified operator where the a—crane to be operated is (a) a tower crane; (b) an overhead travelling crane that has a load rating equal to or greater than 50 t; (c) a crane that is used to raise or lower a worker on a personnel-lifting unit suspended from a hoist line; or (d) a mobile crane that has a load rating greater than 5 t.</p>	<p>(3) Subject to subsection (4), an employer shall ensure that the designated operator is a qualified operator where the a—crane to be operated is (a) a tower crane; (b) an overhead travelling crane that has a load rating equal to or greater than 50 t; (c) a crane that is used to raise or lower a worker on a personnel-lifting unit suspended from a hoist line; or (d) a mobile crane that has a load rating greater than 5 t.</p>	<p><u>Stakeholders</u>: overhead travelling crane is undefined but why the 50 t does that mean 0-50 t you can use an unqualified operator? <u>Committee</u>: An unqualified operator may operate any of the cranes not listed in subsection (3). While the worker operating may be unqualified, the worker still is a designated operator and has to be trained (subsection (2)) and be a competent operator (subsection (4)).</p>
<p>(4) In circumstances other than those described in subsection (3), an employer shall ensure that (a) for any crane with a load rating greater than or equal to 5 t, the designated operator is a competent operator; and (b) for any mobile or overhead travelling crane with a load rating less than 5 t, the designated</p>	<p>(4) In circumstances other than those described in subsection (3), an employer shall ensure that (a) for any crane with a load rating greater than or equal to 5 t, the designated operator is a competent operator; and (b) for any mobile or overhead travelling crane with a load rating less than 5 t, the designated</p>	

operator is a competent worker.	operator is a competent worker.	
(5) No worker shall operate a hoist, crane or lifting device unless the worker is a designated operator and has been trained in the operation of that hoist, crane or lifting device.	(5) No worker shall operate a hoist, crane or lifting device unless the worker is a designated operator and has been trained in the operation of that hoist, crane or lifting device.	
(6) No worker shall operate a crane unless the worker (a) has written proof of training in the operation of any crane that the worker will be required or permitted to operate; and (b) has that written proof of training readily accessible at all times while the worker is operating the crane.	(6) No worker shall operate a crane unless the worker (a) has written proof of training in the operation of any crane that the worker will be required or permitted to operate; and (b) has that written proof of training readily accessible at all times while the worker is operating the crane.	
Operating Procedures	Operating Procedures	
221. (1) Subject to subsection (2), an employer shall ensure that (a) a copy of the manufacturer's operating manual for a hoist or crane is readily accessible to the operator; and (b) an operator of a hoist or crane is thoroughly trained in and implements the manufacturer's recommended operating procedures.	221. (1) Subject to subsection (2), an employer shall ensure that (a) a copy of the manufacturer's operating manual for a hoist or crane is readily accessible to the operator; and (b) an operator of a hoist or crane is thoroughly trained in and implements the manufacturer's recommended operating procedures.	
(2) Where the manufacturer's manual for a hoist or crane cannot be obtained, an employer shall develop an operating manual for the hoist or crane and ensure that (a) a copy of the operating manual is readily accessible to the operator; and (b) an operator of the hoist or crane is thoroughly trained in and implements the operating procedures set out in the operating	(2) Where the manufacturer's manual for a hoist or crane cannot be obtained, an employer shall develop an operating manual for the hoist or crane and ensure that (a) a copy of the operating manual is readily accessible to the operator; and (b) an operator of the hoist or crane is thoroughly trained in and implements the operating procedures set out in the operating	

manual.	manual.	
Rated Load	Rated Load	
<p>222. (1) An employer shall not require or permit an operator of a hoist, crane or lifting device to raise any load that is greater than the rated load determined by the manufacturer of the equipment or a professional engineer for the conditions in which the equipment is to be operated.</p>	<p>222. (1) An employer shall not require or permit an operator of a hoist, crane or lifting device to raise any load that is greater than the rated load determined by the manufacturer of the equipment or a professional engineer for the conditions in which the equipment is to be operated.</p>	
<p>(2) An employer shall not require or permit the operator of a hoist, crane or lifting device to use the hoist, crane or lifting device to raise or lower workers unless the load applied to the hoist, crane or lifting device is less than one-half of the rated load as determined pursuant to subsection (1).</p>	<p>(2) An employer shall not require or permit the operator of a hoist, crane or lifting device to use the hoist, crane or lifting device to raise or lower workers unless the load applied to the hoist, crane or lifting device is less than one-half of the rated load as determined pursuant to subsection (1).</p>	
<p>(3) An operator of a hoist, crane or lifting device shall not raise a load unless</p> <ul style="list-style-type: none"> (a) the operator has determined the accurate weight of the load; and (b) the load is less than the rated load for the operating conditions. 	<p>(3) An operator of a hoist, crane or lifting device shall not raise a load unless</p> <ul style="list-style-type: none"> (a) the operator has determined the accurate weight of the load; and (b) the load is less than the rated load for the operating conditions. 	
Raising and Lowering Workers	Raising and Lowering Workers	
<p>223. (1) Where a crane or hoist will be used to raise or lower workers, an employer shall</p> <ul style="list-style-type: none"> (a) develop and implement work practices and procedures that will provide for the safe raising and lowering of the workers; (b) train the workers in those work practices and procedures; (c) ensure that hoisting equipment and personnel lifting units are inspected by a competent person before use and daily when in use; and (d) ensure that the competent person records the details of the inspection 	<p>223. (1) Where a crane or hoist will be used to raise or lower workers, an employer shall</p> <ul style="list-style-type: none"> (a) develop and implement work practices and procedures that will provide for the safe raising and lowering of the workers; (b) train the workers in those work practices and procedures; (c) ensure that hoisting equipment and personnel lifting units are inspected by a competent person before use and daily when in use; and (d) ensure that the competent person records the details of the inspection 	

in the log book referred to in section 231.	in the log book referred to in section 231.	
<p>(2) An employer shall not require or permit an operator of a crane or hoist to use the crane or hoist to raise or lower workers unless</p> <ul style="list-style-type: none"> (a) the personnel lifting unit meets the requirements of section 208; (b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment; (c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment referred to in paragraph (b); (d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and (e) workers in the personnel lifting unit each use a full body harness attached to the personnel lifting unit. 	<p>(2) An employer shall not require or permit an operator of a crane or hoist to use the crane or hoist to raise or lower workers unless</p> <ul style="list-style-type: none"> (a) the personnel lifting unit meets the requirements of section 208; (b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment; (c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging referred to in paragraph (b); (d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and (e) workers in the personnel lifting unit each use a full body harness attached to the personnel lifting unit. 	
<p>(3) An operator of a crane or hoist shall not use the crane or hoist to raise or lower workers unless</p> <ul style="list-style-type: none"> (a) the personnel lifting unit meets the requirements of section 208; (b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment; 	<p>(3) An operator of a crane or hoist shall not use the crane or hoist to raise or lower workers unless</p> <ul style="list-style-type: none"> (a) the personnel lifting unit meets the requirements of section 208; (b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment; 	

<p>(c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment referred to in paragraph (b);</p> <p>(d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and</p> <p>(e) workers in the personnel lifting unit each use personnel fall arrest system attached to the personnel lifting unit.</p>	<p>(c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment referred to in paragraph (b);</p> <p>(d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and</p> <p>(e) workers in the personnel lifting unit each use personnel fall arrest system attached to the personnel lifting unit.</p>	
<p>Determining Weight of Load</p>	<p>Determining Weight of Load</p>	
<p>224. (1) An employer shall provide an operator of a hoist, crane or lifting device with all information necessary to enable the operator to determine readily and accurately the weight of any load that the operator is required or permitted to raise.</p>	<p>224. (1) An employer shall provide an operator of a hoist, crane or lifting device with all information necessary to enable the operator to determine readily and accurately the weight of any load that the operator is required or permitted to raise.</p>	<p><u>Stakeholders</u>: raise or should it be move</p> <p><u>Committee</u>: "move" is too vague and includes lateral movement. Raise is the desired term.</p>
<p>(2) An employer shall provide a permanent load gauge for a mobile crane that may be used for load ratings of 9 t or greater at the minimum operating radius.</p>	<p>(2) An employer shall provide a permanent load gauge for a mobile crane that may be used for load ratings of 9 t or greater at the minimum operating radius.</p>	
<p>(3) A permanent load gauge required pursuant to subsection (2) must measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.</p>	<p>(3) A permanent load gauge required pursuant to subsection (2) must measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.</p>	
<p>(4) Subsection (2) does not apply to cranes that</p> <p>(a) use a device suspended by a wire rope to demolish a structure;</p> <p>(b) use a magnet to raise or lower a load; or</p>	<p>(4) Subsection (2) does not apply to cranes that</p> <p>(a) use a device suspended by a wire rope to demolish a structure;</p> <p>(b) use a magnet to raise or lower a load; or</p>	

<p>(c) use a clam-style load carrier to move material.</p>	<p>(c) use a clam-style load carrier to move material.</p>	
<p>(5) An employer shall not require or permit a worker to use the crane referred to in subsection (2) unless the crane is equipped with a permanent load gauge that will measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.</p>	<p>(5) An employer shall not require or permit a worker to use the crane referred to in subsection (2) unless the crane is equipped with a permanent load gauge that will measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.</p>	<p><u>Stakeholders</u>: why switch from operator to worker? [Comment appears in multiple provisions]</p> <p><u>Committee</u>: The worker using the crane might not be the operator.</p>
<p>(6) An employer shall ensure that</p> <p>(a) a worker who is required or permitted to use a crane equipped with a permanent load gauge is trained in the safe use and limitations of the permanent load gauge; and</p> <p>(b) the permanent load gauge is regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions.</p>	<p>(6) An employer shall ensure that</p> <p>(a) a worker who is required or permitted to use a crane equipped with a permanent load gauge is trained in the safe use and limitations of the permanent load gauge; and</p> <p>(b) the permanent load gauge is regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions.</p>	
<p>Overload Switches</p>	<p>Overload Switches</p>	
<p>225. (1) An employer or supplier shall ensure that a tower crane is equipped with</p> <p>(a) both</p> <p>(i) an overload limit switch that causes the hoist drum to stop when the load being hoisted exceeds the maximum rated load for any radius or boom angle or when the overturning moment exceeds the rated load moment, and</p> <p>(ii) a moment overload switch that automatically restricts the radius within which the load can travel; or</p> <p>(b) a permanent load gauge.</p>	<p>225. (1) An employer or supplier shall ensure that a tower crane is equipped with</p> <p>(a) both</p> <p>(i) an overload limit switch that causes the hoist drum to stop when the load being hoisted exceeds the maximum rated load for any radius or boom angle or when the overturning moment exceeds the rated load moment, and</p> <p>(ii) a moment overload switch that automatically restricts the radius within which the load can travel; or</p> <p>(b) a permanent load gauge.</p>	<p><u>Stakeholders</u>: Overload Switches needs to stop before being hoisted. Stakeholder proposes wording variation to subparagraph (i).</p> <p><u>Committee</u>: Wording unchanged. The problem envisioned by the section occurs during hoisting.</p>

<p>(2) An employer shall not require or permit a worker to use a tower crane unless</p> <ul style="list-style-type: none"> (a) the crane is equipped with the overload limit switch and moment overload switch required by paragraph (1)(a) or the permanent load gauge required by paragraph (1)(b); (b) the worker is trained in the safe use and limitations of the overload limit switch and the moment overload switch or the permanent load gauge; and (c) the overload limit switch and moment overload switch or the permanent load gauge are regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions. 	<p>(2) An employer shall not require or permit a worker to use a tower crane unless</p> <ul style="list-style-type: none"> (a) the crane is equipped with the overload limit switch and moment overload switch required by paragraph (1)(a) or the permanent load gauge required by paragraph (1)(b); (b) the worker is trained in the safe use and limitations of the overload limit switch and the moment overload switch or the permanent load gauge; and (c) the overload limit switch and moment overload switch or the permanent load gauge are regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions. 	
<p>Designated Signaller</p>	<p>Designated Signaller</p>	
<p>226. (1) An employer shall designate a signaller pursuant to section 147 where the operator of a hoist or crane does not have a clear, unobstructed view of any of the following throughout the whole range of movement of the load or hook:</p> <ul style="list-style-type: none"> (a) the pick-up point; (b) the setting point and the load; (c) the hook, if there is no load. 	<p>226. (1) An employer shall designate a signaller pursuant to section 147 where the operator of a hoist or crane does not have a clear, unobstructed view of any of the following throughout the whole range of movement of the load or hook:</p> <ul style="list-style-type: none"> (a) the pick-up point; (b) the setting point and the load; (c) the hook, if there is no load. 	
<p>(2) Before a hoisting operation begins, an employer shall ensure that the operator of the hoist or crane reviews with the designated signaller the signals to be used.</p>	<p>(2) Before a hoisting operation begins, an employer shall ensure that the operator of the hoist or crane reviews with the designated signaller the signals to be used.</p>	
<p>(3) Where a hand signal is to be used in connection with a hoist or crane, an employer shall ensure that the signal used is the signal that is appropriate for the activity to be carried out</p>	<p>(3) Where a hand signal is to be used in connection with a hoist or crane, an employer shall ensure that the signal used is the signal that is appropriate for the activity to be carried out</p>	

and that is set out in an approved standard.	and that is set out in an approved standard.	
(4) An operator of a hoist or crane and a designated signaller shall use the signal set out in the standard referred to in subsection (3) that is appropriate for the activity to be carried out.	(4) An operator of a hoist or crane and a designated signaller shall use the signal set out in the standard referred to in subsection (3) that is appropriate for the activity to be carried out.	
General Requirements for Cranes and Hoists	General Requirements for Cranes and Hoists	
227. (1) An employer or supplier shall ensure that a crane is equipped with an effective warning device that can be readily activated by the operator and that is adequate to warn workers of the impending movement of the crane.	227. (1) An employer or supplier shall ensure that a crane is equipped with an effective warning device that can be readily activated by the operator and that is adequate to warn workers of the impending movement of the crane.	
(2) An employer or supplier shall ensure that a crane that has a boom is equipped with <ul style="list-style-type: none"> (a) positive boom stops to prevent inadvertent movement of the boom; (b) a boom stop limit device to prevent the boom from being drawn back beyond a predetermined safe boom angle identified by the manufacturer; (c) a jib stop device to prevent the jib from being drawn back beyond the safe boom angle identified by the manufacturer, where a jib is attached to the boom; and (d) a boom angle indicator that is clearly visible to the operator while seated at the control station. 	(2) An employer or supplier shall ensure that a crane that has a boom is equipped with <ul style="list-style-type: none"> (a) positive boom stops to prevent inadvertent movement of the boom; (b) a boom stop limit device to prevent the boom from being drawn back beyond a predetermined safe boom angle identified by the manufacturer; (c) a jib stop device to prevent the jib from being drawn back beyond the safe boom angle identified by the manufacturer, where a jib is attached to the boom; and (d) a boom angle indicator that is clearly visible to the operator while seated at the control station. 	
(3) An employer or supplier shall ensure that a crane is equipped with an anti two block warning device where the crane will be used to hoist workers on a personnel-lifting unit or where the crane is a hydraulic crane with a rated load of 9 t or greater.	(3) An employer or supplier shall ensure that a crane is equipped with an anti two block warning device where the crane will be used to hoist workers on a personnel-lifting unit or where the crane is a hydraulic crane with a rated load of 9 t or greater.	
(4) An employer or supplier shall ensure	(4) An employer or supplier shall ensure	

<p>that a hoist or crane that operates on rails, tracks or other guides is fitted with</p> <ul style="list-style-type: none"> (a) a positive stop or limiting device installed on the hoist or crane or on the rails, tracks or other guides to prevent the hoist or crane from over-running safe limits or contacting other equipment that is on the same rail, track or other guide; (b) sweep guards installed to prevent materials on the rail, track or other guide from causing dislodgment of the hoist or crane; and (c) stops to prevent the crane or hoist from dropping more than 2.5 cm if the axle breaks. 	<p>that a hoist or crane that operates on rails, tracks or other guides is fitted with</p> <ul style="list-style-type: none"> (a) a positive stop or limiting device installed on the hoist or crane or on the rails, tracks or other guides to prevent the hoist or crane from over-running safe limits or contacting other equipment that is on the same rail, track or other guide; (b) sweep guards installed to prevent materials on the rail, track or other guide from causing dislodgment of the hoist or crane; and (c) stops to prevent the crane or hoist from dropping more than 2.5 cm if the axle breaks. 	
<p>(5) Where a worker leaves a crane or hoist unattended or parked, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the crane or hoist is stored in a manner that does not create a risk to any worker; (b) the operating machinery is locked or rendered inoperative; (c) the rigging and boom angle are secured; and (d) a mobile crane is stored on level ground with the wheels locked or chocked. 	<p>(5) Where a worker leaves a crane or hoist unattended or parked, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the crane or hoist is stored in a manner that does not create a risk to any worker; (b) the operating machinery is locked or rendered inoperative; (c) the rigging and boom angle are secured; and (d) a mobile crane is stored on level ground with the wheels locked or chocked. 	
<p>Hoists, Cranes with Outriggers</p>	<p>Hoists, Cranes with Outriggers</p>	
<p>228. Where a hoist or crane is designed to be operated with outriggers or other stabilizing devices, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the outriggers or other stabilizing devices <ul style="list-style-type: none"> (i) are used according to the 	<p>228. Where a hoist or crane is designed to be operated with outriggers or other stabilizing devices, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the outriggers or other stabilizing devices <ul style="list-style-type: none"> (i) are used according to the 	

<p>manufacturer's instructions, (ii) are set on a solid footing or pad, and (iii) have their controls, if any, readily accessible to the operator and in a suitable position for safe operation; (b) the area around the outriggers or other stabilizing devices is kept free of obstruction; (c) there is a minimum clearance of at least 600 mm between any moving part of the crane and any obstacle near the base of the hoist or crane; and (d) where there is a danger of a worker being trapped or crushed by any moving part of the crane when the crane swings, the area around the base of the crane is barricaded to restrict the entry of workers.</p>	<p>manufacturer's instructions, (ii) are set on a solid footing or pad, and (iii) have their controls, if any, readily accessible to the operator and in a suitable position for safe operation; (b) the area around the outriggers or other stabilizing devices is kept free of obstruction; (c) there is a minimum clearance of at least 600 mm between any moving part of the crane and any obstacle near the base of the hoist or crane; and (d) where there is a danger of a worker being trapped or crushed by any moving part of the crane when the crane swings, the area around the base of the crane is barricaded to restrict the entry of workers.</p>	
<p>Operators' Cabs on Tower Cranes</p>	<p>Operators' Cabs on Tower Cranes</p>	
<p>229. Where an operator's cab is to be attached to the boom or jib of a tower crane, the employer or supplier shall ensure that the cab is designed, positioned and attached in accordance with the specifications of the manufacturer of the crane or a professional engineer.</p>	<p>229. Where an operator's cab is to be attached to the boom or jib of a tower crane, the employer or supplier shall ensure that the cab is designed, positioned and attached in accordance with the specifications of the manufacturer of the crane or a professional engineer.</p>	
<p>Erecting and Dismantling</p>	<p>Erecting and Dismantling</p>	
<p>230. (1) Subject to subsection (4), an employer shall develop a written procedure for safely erecting and dismantling a hoist or crane.</p>	<p>230. (1) Subject to subsection (4), an employer shall develop a written procedure for safely erecting and dismantling a hoist or crane.</p>	
<p>(2) The written procedure required by subsection (1) must include the safe blocking of any mast, boom or jib and the number and qualifications of workers required to implement the procedure.</p>	<p>(2) The written procedure required by subsection (1) must include the safe blocking of any mast, boom or jib and the number and qualifications of workers required to implement the procedure.</p>	

<p>(3) An employer shall ensure that the erecting and dismantling of a hoist or crane is carried out in accordance with the written procedure required by subsection (1).</p>	<p>(3) An employer shall ensure that the erecting and dismantling of a hoist or crane is carried out in accordance with the written procedure required by subsection (1).</p>	
<p>(4) An employer may use the manufacturer's instructions for erecting or dismantling a hoist or crane if the instructions contain the requirements set out in subsection (2).</p>	<p>(4) An employer may use the manufacturer's instructions for erecting or dismantling a hoist or crane if the instructions contain the requirements set out in subsection (2).</p>	
<p>Log Book</p>	<p>Log Book</p>	
<p>231. (1) An employer shall</p> <ul style="list-style-type: none"> (a) provide a log book for each hoist and crane with a rated load greater than 5 t and ensure that the log book is kept readily available; (b) provide a copy of the log book to the operator on request; (c) ensure that the hours of service of the hoist or crane and all details of any inspection, maintenance or calibration required by this Part are recorded in the log book; (d) ensure that each entry required by paragraph (c) is signed by the person who performs the inspection, maintenance or calibration; and (e) review and sign the log book on a regular basis. 	<p>231. (1) An employer shall</p> <ul style="list-style-type: none"> (a) provide a log book for each hoist and crane with a rated load greater than 5 t and ensure that the log book is kept readily available; (b) provide a copy of the log book to the operator on request; (c) ensure that the hours of service of the hoist or crane and all details of any inspection, maintenance or calibration required by this Part are recorded in the log book; (d) ensure that each entry required by paragraph (c) is signed by the person who performs the inspection, maintenance or calibration; and (e) review and sign the log book on a regular basis. 	
<p>(2) Where the supplier of a hoist or crane provides a log book, an employer shall ensure that the information and signatures required by subsection (1) are recorded in the supplier's log book instead of the employer's log book and that the supplier's log book is kept with the hoist or crane.</p>	<p>(2) Where the supplier of a hoist or crane provides a log book, an employer shall ensure that the information and signatures required by subsection (1) are recorded in the supplier's log book instead of the employer's log book and that the supplier's log book is kept with the hoist or crane.</p>	
<p>Inspections</p>	<p>Inspections</p>	

<p>232. (1) An employer or supplier shall ensure that a hoist, crane or lifting device is inspected by a competent person to determine whether the hoist, crane or lifting device is in safe working condition</p> <ul style="list-style-type: none"> (a) before the hoist, crane or lifting device is used at the start of each work shift; and (b) at regular intervals as recommended by the manufacturer. 	<p>232. (1) An employer or supplier shall ensure that a hoist, crane or lifting device is inspected by a competent person to determine whether the hoist, crane or lifting device is in safe working condition</p> <ul style="list-style-type: none"> (a) before the hoist, crane or lifting device is used at the start of each work shift; and (b) at regular intervals as recommended by the manufacturer. 	
<p>(2) Where a defect or unsafe condition that may create a hazard to a worker is found in a hoist, crane, lifting device or rigging, an employer or supplier shall</p> <ul style="list-style-type: none"> (a) steps immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and (b) as soon as is reasonably practicable, repair the defect or correct the unsafe condition. 	<p>(2) Where a defect or unsafe condition that may create a hazard to a worker is found in a hoist, crane, lifting device or rigging, an employer or supplier shall</p> <ul style="list-style-type: none"> (a) take steps immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and (b) as soon as is reasonably practicable, repair the defect or correct the unsafe condition. 	<p><u>Stakeholders:</u> can use the equipment reasonably practicable does not mean it is safe to use</p> <p><u>Committee:</u> Equipment may be unsafe to use, but if steps are taken to protect the health and safety of a worker at risk while the crane is used and the crane is repaired as soon as is reasonably practicable, there is no issue. Note the requirement is (a) and (b).</p>
<p>(3) An employer or supplier shall ensure that a mobile crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer every two years or 1,800 hours of operation, whichever comes first.</p>	<p>(3) An employer or supplier shall ensure that a mobile crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer every two years or 1,800 hours of operation, whichever comes first.</p>	<p><u>Stakeholders:</u> why limit this to mobile what about other hoisting equipment overhead travelling cranes.</p> <p><u>Committee:</u> This is for the sake of harmonization with national legislation.</p>
<p>(4) An employer or supplier shall ensure that a tower crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer</p> <ul style="list-style-type: none"> (a) before erection at each site; and (b) at subsequent intervals of 2,000 operating hours or one year, whichever occurs first. 	<p>(4) An employer or supplier shall ensure that a tower crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer</p> <ul style="list-style-type: none"> (a) before erection at each site; and (b) at subsequent intervals of 2,000 operating hours or one year, whichever occurs first. 	<p><u>Stakeholders:</u> should be consistent as 1,800 hours.</p> <p><u>Committee:</u> Subsection (3) concerns a mobile crane while subsection (4) concerns a tower crane. There is no need to change these times and to do so may bring these regulations into disharmony with other national legislation.</p>
<p>(5) No worker shall operate a crane or cause</p>	<p>(5) No worker shall operate a crane or</p>	<p><u>Stakeholders:</u> same question as in subsection (3).</p>

<p>a crane to be operated unless a copy of the results of the testing or inspection required by subsection (3) or (4) is readily available or is on site.</p>	<p>cause a crane to be operated unless a copy of the results of the testing or inspection required by subsection (3) or (4) is readily available or is on site.</p>	<p><u>Committee</u>: See subsection (3).</p>
<p>Repairs</p>	<p>Repairs</p>	
<p>233. (1) Where the inspection of a hoist, crane or lifting device reveals a condition that might render the hoist, crane or lifting device unsafe or incapable of raising the rated load referred to in subsection 222(2), an employer or supplier shall not require or permit the use of the hoist, crane or lifting device until any necessary repairs are completed.</p>	<p>233. (1) Where the inspection of a hoist, crane or lifting device reveals a condition that might render the hoist, crane or lifting device unsafe or incapable of raising the rated load referred to in subsection 222(2), an employer or supplier shall not require or permit the use of the hoist, crane or lifting device until any necessary repairs are completed.</p>	<p><u>Stakeholders</u>: believe you mean 222(1). <u>Committee</u>: Confirms subsection 222(2) is intended.</p>
<p>(2) An employer or supplier shall ensure that a structural repair or modification to a component of a hoist or crane is performed only under the direction and control of a professional engineer.</p>	<p>(2) An employer or supplier shall ensure that a structural repair or modification to a component of a hoist or crane is performed only under the direction and control of a professional engineer.</p>	<p><u>Stakeholders</u>: suggest the word critical load bearing component be added i.e. non critical modifications to the equipment do not need the supervision of the engineer but where must the engineer be direction and control does not mean at the site of the modification work but could mean directing the work from Toronto or other off site location. <u>Committee</u>: If there is a structural repair or modification, then the structure of the hoist or crane has been modified. That modification may affect the load or some other aspect of the crane's operation. It is the job of a P.Eng. to determine what is a critical load bearing component.</p>
<p>(3) Before a hoist or crane is used after a structural repair or modification, an employer or supplier shall ensure that (a) the equipment is tested under the direction of a professional engineer; and (b) a professional engineer has determined the rated load of the</p>	<p>(3) Before a hoist or crane is used after a structural repair or modification, an employer or supplier shall ensure that (a) the equipment is tested under the direction of a professional engineer; and (b) a professional engineer has determined the rated load of the</p>	

<p>repaired or modified hoist or crane and has certified that the hoist or crane is capable of safely raising the new rated load.</p>	<p>repaired or modified hoist or crane and has certified that the hoist or crane is capable of safely raising the new rated load.</p>	
<p>(4) Where the rated load of a hoist or crane after repair or modification differs from the rated load before repair or modification, an employer or supplier shall ensure that a new indication of load rating is provided pursuant to section 219.</p>	<p>(4) Where the rated load of a hoist or crane after repair or modification differs from the rated load before repair or modification, an employer or supplier shall ensure that a new indication of load rating is provided pursuant to section 219.</p>	
<p>Friction Type Hoists</p>	<p>Friction Type Hoists</p>	
<p>234. On a construction site, an employer shall ensure that no material is hoisted vertically by a rope driven by friction between the rope and a powered surge wheel or drum unless the hoist is equipped with</p> <p>(a) a safety device that will prevent a free fall of the load; and</p> <p>(b) an emergency stop device.</p>	<p>234. On a construction site, an employer shall ensure that no material is hoisted vertically by a rope driven by friction between the rope and a powered surge wheel or drum unless the hoist is equipped with</p> <p>(a) a safety device that will prevent a free fall of the load; and</p> <p>(b) an emergency stop device.</p>	
<p>Material Hoists</p>	<p>Material Hoists</p>	
<p>235. (1) Where a material hoist is in use, an employer shall ensure that</p> <p>(a) no worker is required or permitted to ride on the hoist; and</p> <p>(b) no load projects beyond the edges of the load-carrying unit.</p>	<p>235. (1) Where a material hoist is in use, an employer shall ensure that</p> <p>(a) no worker is required or permitted to ride on the hoist; and</p> <p>(b) no load projects beyond the edges of the load-carrying unit.</p>	
<p>(2) If the controls of a material hoist are not remote from the hoist, an employer shall ensure that an adequate overhead barrier is provided to protect the operator.</p>	<p>(2) If the controls of a material hoist are not remote from the hoist, an employer shall ensure that an adequate overhead barrier is provided to protect the operator.</p>	
<p>(3) An employer shall ensure that</p> <p>(a) the braking systems on a material hoist are capable of stopping 150% of the rated load referred to in subsection 222(1) at the maximum speed;</p> <p>(b) the area around the base of a material hoist is fenced or otherwise</p>	<p>(3) An employer shall ensure that</p> <p>(a) the braking systems on a material hoist are capable of stopping 150% of the rated load referred to in subsection 222(1) at the maximum speed;</p> <p>(b) the area around the base of a material hoist is fenced or otherwise</p>	<p><u>Stakeholders</u>: you need to identify in what distance the load has to stop from full speed to zero or the minimum acceptable deceleration rate.</p> <p><u>Committee</u>: The stakeholder's comment concerns Newton's Second Law:</p>

<p>barricaded to prevent the entry of workers, and that no worker is required or permitted to enter that area except when the load-carrying unit is at the lowest level; and</p> <p>(c) a landing gate is installed</p> <p>(i) on any landing served by the material hoist, and</p> <p>(ii) not less than 600 mm nor more than 900 mm from the edge of the landing.</p>	<p>barricaded to prevent the entry of workers, and that no worker is required or permitted to enter that area except when the load-carrying unit is at the lowest level; and</p> <p>(c) a landing gate is installed</p> <p>(i) on any landing served by the material hoist, and</p> <p>(ii) not less than 600 mm nor more than 900 mm from the edge of the landing.</p>	$\sum \mathbf{F} = \frac{d\mathbf{p}}{dt} = m \frac{d\mathbf{v}_{cm}}{dt} = m\mathbf{a}_{cm}$ <p>Paragraph (a) sets out a maximum force at a maximum speed. That is sufficient to fully define the time through which the braking system must act.</p>
<p>(4) An operator of a material hoist shall not</p> <p>(a) leave the controls while the load-carrying unit is in the raised position;</p> <p>(b) operate the hoist while a landing gate is open; or</p> <p>(c) move a load-carrying unit until the operator is informed by signal that the load-carrying unit can be moved safely.</p>	<p>(4) An operator of a material hoist shall not</p> <p>(a) leave the controls while the load-carrying unit is in the raised position;</p> <p>(b) operate the hoist while a landing gate is open; or</p> <p>(c) move a load-carrying unit until the operator is informed by signal that the load-carrying unit can be moved safely.</p>	
<p>(5) An employer shall ensure that</p> <p>(a) the operator of a material hoist and a designated signaller at a landing where loading or unloading is carried on are able to maintain visual or audible communication with each other at all times during loading or unloading; and</p> <p>(b) a material hoist that is, or is designed to be, over 20 m high is equipped with a signal system that will</p> <p>(i) allow voice communication between a worker at any landing and the operator, and</p> <p>(ii) inform the operator of the</p>	<p>(5) An employer shall ensure that</p> <p>(a) the operator of a material hoist and a designated signaller at a landing where loading or unloading is carried on are able to maintain visual or audible communication with each other at all times during loading or unloading; and</p> <p>(b) a material hoist that is, or is designed to be, over 20 m high is equipped with a signal system that will</p> <p>(i) allow voice communication between a worker at any landing and the operator, and</p> <p>(ii) inform the operator of the</p>	

landing from which a signal originates.	landing from which a signal originates.	
(6) An employer shall ensure that a power driven material hoist is equipped with a safety device that will stop and hold the load-carrying unit if the hoist rope or braking system fails.	(6) An employer shall ensure that a power driven material hoist is equipped with a safety device that will stop and hold the load-carrying unit if the hoist rope or braking system fails.	<u>Stakeholders:</u> how rope breaks dogs and testing of dogs how what safety device if the brakes fail while the conveyance is in motion and how do you test it <u>Committee:</u> This level of detail is best left to the codes of practice and adopted standards.
Tower Hoists	Tower Hoists	
236.(1) Where a tower hoist is used, an employer shall ensure that (a) the pulley block is securely anchored and the ropes from the pulley to the hoisting engine are enclosed, and (b) at each landing, the hoist is equipped with landing gates and devices that will prevent (i) movement of the load-carrying unit when a landing gate is open, and (ii) opening of a landing gate when the load-carrying unit is not standing at that landing.	236.(1) Where a tower hoist is used, an employer shall ensure that (a) the pulley block is securely anchored and the ropes from the pulley to the hoisting engine are enclosed, and (b) at each landing, the hoist is equipped with landing gates and devices that will prevent (i) movement of the load-carrying unit when a landing gate is open, and (ii) opening of a landing gate when the load-carrying unit is not standing at that landing.	
(2) Where a tower hoist is not erected inside a structure, an employer shall ensure that the hoist (a) is enclosed on all sides except the landing side by solid walls or equally effective fencing from ground level to a height of not less than 2 m; and (b) is adequately braced or guyed to prevent sway or movement.	(2) Where a tower hoist is not erected inside a structure, an employer shall ensure that the hoist (a) is enclosed on all sides except the landing side by solid walls or equally effective fencing from ground level to a height of not less than 2 m; and (b) is adequately braced or guyed to prevent sway or movement.	
(3) Where a tower hoist is erected inside a structure, an employer shall ensure that (a) the hoist is enclosed on all sides	(3) Where a tower hoist is erected inside a structure, an employer shall ensure that (a) the hoist is enclosed on all sides	

<p>except the landing side at the ground level and at each floor level by solid walls or equally effective fencing from ground or floor level to a height of not less than 2 m;</p> <p>(b) each point of access to the hoist is conspicuously marked by a warning sign; and</p> <p>(c) the hoist structure is adequately supported at vertical intervals not exceeding 6 m.</p>	<p>except the landing side at the ground level and at each floor level by solid walls or equally effective fencing from ground or floor level to a height of not less than 2 m;</p> <p>(b) each point of access to the hoist is conspicuously marked by a warning sign; and</p> <p>(c) the hoist structure is adequately supported at vertical intervals not exceeding 6 m.</p>	
<p>Roofers' Hoists</p>	<p>Roofers' Hoists</p>	
<p>237. (1) Where a roofer's hoist is used, an employer shall ensure that</p> <p>(a) all counterweights on the hoist</p> <p>(i) are designed as an integral part of the hoist,</p> <p>(ii) remain securely attached to the hoist at all times that hoisting is in progress, and</p> <p>(iii) are designed to exert an opposing moment that is equal to at least four times the moment exerted by the maximum rated load; and</p> <p>(b) any part or section of the hoist that may become disconnected is equipped with suitable locking devices.</p>	<p>237. (1) Where a roofer's hoist is used, an employer shall ensure that</p> <p>(a) all counterweights on the hoist</p> <p>(i) are designed as an integral part of the hoist,</p> <p>(ii) remain securely attached to the hoist at all times that hoisting is in progress, and</p> <p>(iii) are designed to exert an opposing moment that is equal to at least four times the moment exerted by the maximum rated load; and</p> <p>(b) any part or section of the hoist that may become disconnected is equipped with suitable locking devices.</p>	<p><u>Stakeholders</u>: not defined.</p> <p><u>Committee</u>: "Hoist" is a globally defined term. There is no need to define "roofers' hoist".</p>
<p>(2) An employer shall not require or permit a worker to use roofing material as a counterweight on a roofer's hoist.</p>	<p>(2) An employer shall not require or permit a worker to use roofing material as a counterweight on a roofer's hoist.</p>	
<p>(3) An employer shall ensure that a roofer's hoist is used only to perform vertical lifts.</p>	<p>(3) An employer shall ensure that a roofer's hoist is used only to perform vertical lifts.</p>	
<p>(4) An employer shall ensure that no worker is required or permitted to use a wooden gallows frame roofer's hoist.</p>	<p>(4) An employer shall ensure that no worker is required or permitted to use a wooden gallows frame roofer's hoist.</p>	<p><u>Stakeholders</u>: not sure I know what this means.</p> <p><u>Committee</u>: The term is well known.</p>

Vehicle Hoists	Vehicle Hoists	
<p>238. (1) In this section, "lock" means to fix the controls of a hoist in one position by any mechanical means.</p>	<p>238. (1) In this section, "lock" means to fix the controls of a hoist in one position by any mechanical means.</p>	<p><u>Stakeholders:</u> Should include the unit is not to be used as a man lift nor are its components allowed to be used as ladders.</p> <p><u>Committee:</u> Section 223 applies in respect of the raising and lowering of workers. Use of a vehicle hoist in the manner described is probably not in accordance with section 223. Ladders are dealt with in Part 16. Use of a hoist as a ladder is contrary to section 268. The concern is dealt with elsewhere in these regulations.</p>
<p>(2) An employer shall ensure that a pneumatic or hydraulic vehicle hoist is equipped with clearly marked controls that raise or lower the hoist only when a worker is applying pressure to the controls.</p>	<p>(2) An employer shall ensure that a pneumatic or hydraulic vehicle hoist is equipped with clearly marked controls that raise or lower the hoist only when a worker is applying pressure to the controls.</p>	
<p>(3) An employer shall ensure that no worker is required or permitted</p> <ul style="list-style-type: none"> (a) during raising or lowering of the hoist, to lock the controls referred to in subsection (2); or (b) to work or be under a raised vehicle or trailer unless the vehicle or trailer is supported by <ul style="list-style-type: none"> (i) a vehicle hoist that is designed to safely support the weight of the vehicle or trailer, or (ii) substantial stands or blocks and, where necessary, wheel chocks. 	<p>(3) An employer shall ensure that no worker is required or permitted</p> <ul style="list-style-type: none"> (a) during raising or lowering of the hoist, to lock the controls referred to in subsection (2); or (b) to work or be under a raised vehicle or trailer unless the vehicle or trailer is supported by <ul style="list-style-type: none"> (i) a vehicle hoist that is designed to safely support the weight of the vehicle or trailer, or (ii) substantial stands or blocks and, where necessary, wheel chocks. 	<p><u>Stakeholders:</u> should "or" not be "and".</p> <p><u>Committee:</u> No. Logic OR is used.</p> <p><u>Stakeholders:</u> And the hoist's raised platform has to be locked.</p> <p><u>Committee:</u> If the hoist is designed with a locking system to prevent the hoist moving that would be fine. If it does not have such a locking system, the blocks etc. must be used.</p> <p><u>Stakeholders:</u> Is (ii) still part of the vehicle hoist operation or is this related to using jacks to raise a vehicle</p> <p><u>Committee:</u> Jacks are addressed in subparagraph (4).</p>
<p>(4) For the purposes of subparagraph (3)(b)(ii), jacks alone are not sufficient.</p>	<p>(4) For the purposes of subparagraph (3)(b)(ii), jacks alone are not sufficient.</p>	

(5) An employer shall ensure that all pneumatic or hydraulic vehicle hoists are assembled, installed, operated and maintained according to the manufacturer's instructions.	(5) An employer shall ensure that all pneumatic or hydraulic vehicle hoists are assembled, installed, operated and maintained according to the manufacturer's instructions.	
Hand Operated Hoists	Hand Operated Hoists	
239. (1) An employer shall ensure that a hand operated hoist is designed, constructed, installed, operated and maintained in accordance with an approved standard.	239. (1) An employer shall ensure that a hand operated hoist is designed, constructed, installed, operated and maintained in accordance with an approved standard.	
(2) An employer or supplier shall ensure that a hand operated hoist is equipped with a spring-actuated or weighted ratchet and pawl, load brake or other mechanism that will stop and hold the load at any height desired by the operator.	(2) An employer or supplier shall ensure that a hand operated hoist is equipped with a spring-actuated or weighted ratchet and pawl, load brake or other mechanism that will stop and hold the load at any height desired by the operator.	
(3) An employer shall not require or permit a worker to work under a load raised by a hand operated hoist unless the load is supported with adequate stands or blocks.	(3) An employer shall not require or permit a worker to work under a load raised by a hand operated hoist unless the load is supported with adequate stands or blocks.	
Winches	Winches	
240. (1) An employer shall inspect all manually operated hoisting or winching equipment thoroughly at appropriate intervals to ensure that the manually-operated hoisting or winching equipment is capable of safe operation.	240. (1) An employer shall inspect all manually operated hoisting or winching equipment thoroughly at appropriate intervals to ensure that the manually-operated hoisting or winching equipment is capable of safe operation.	<u>Stakeholders</u> : what about the max load of winch must be displayed at winch location. <u>Committee</u> : This section concerns inspections of winches. Maximum loads for hoists are dealt with elsewhere in this Part. Winches involve lateral movement. Where a winch is overloaded, it will not collapse. Use of the winch must still be carried out in accordance with manufacturer's specifications.
(2) Before a worker operates a winch on a vehicle, the worker shall ensure that the brakes are applied or other effective means are taken to prevent movement of the vehicle.	(2) Before a worker operates a winch on a vehicle, the worker shall ensure that the brakes are applied or other effective means are taken to prevent movement of the vehicle.	
(3) A worker who operates a vehicle on which a winch is in use shall not move the vehicle	(3) A worker who operates a vehicle on which a winch is in use shall not move the vehicle	

until the winch operator has given a signal that the vehicle can be moved safely.	until the winch operator has given a signal that the vehicle can be moved safely.	
(4) An employer shall not require or permit a worker to cross over or under a winch cable between a winch and the load or to go underneath the load while a winch is in use.	(4) An employer shall not require or permit a worker to cross over or under a winch cable between a winch and the load or to go underneath the load while a winch is in use.	
A-Frames and Gin Poles	A-Frames and Gin Poles	
241. An employer shall ensure that (a) no A-frame or gin pole is inclined more than 45° from the vertical; (b) an A-frame or gin pole is restrained from uncontrolled lateral and vertical movement; and (c) the sheave and the cable keeper of an A-frame or gin pole are attached securely enough to withstand any load to which the assembly may be subjected.	241. An employer shall ensure that (a) no A-frame or gin pole is inclined more than 45° from the vertical; (b) an A-frame or gin pole is restrained from uncontrolled lateral and vertical movement; and (c) the sheave and the cable keeper of an A-frame or gin pole are attached securely enough to withstand any load to which the assembly may be subjected.	
Piledriving Equipment	Piledriving Equipment	<u>Stakeholders</u> : meaning the hammer or meaning the hammer and crane unit. <u>Committee</u> : Piledriving equipment is mentioned independently. Whether it is a hoist, crane or lifting device, is dependent on the configuration of the equipment. This equipment cannot be classified without knowing more about it.
242. (1) An employer shall ensure that (a) piledriving equipment is operated, inspected and maintained according to the manufacturer's instructions; and (b) any structural repairs or modifications to piledriving equipment are made under the direction of a professional engineer and certified as safe by the professional engineer before the	242. (1) An employer shall ensure that (a) piledriving equipment is operated, inspected and maintained according to the manufacturer's instructions; and (b) any structural repairs or modifications to piledriving equipment are made under the direction of a professional engineer and certified as safe by the professional engineer before the	<u>Stakeholders</u> : suggests deletion of para (a) as it is covered by s. 217 and (b) as covered by 217-233 and subsection (2) as covered by s. 217 <u>Committee</u> : Piledriving equipment may not be readily identifiable as a hoist. Although its inclusion in the Part recognizes similarities with hoists. <u>Stakeholders</u> : suggest the word critical load bearing component be added i.e. non critical

<p>piledriving equipment is put in service.</p>	<p>piledriving equipment is put in service.</p>	<p>modifications to the equipment do not need the supervision of the engineer but where must the engineer be direction and control does not mean at the site of the modification work but could mean directing the work from Toronto or other off site location</p> <p><u>Committee:</u> If there is a structural repair or modification, then the structure of the hoist or crane has been modified. That modification may affect the load bearing capability or some other aspect of the crane's operation. Who determines what is a critical load bearing component? That is exactly what the engineer must do. The P.Eng. has to certify that the pile driver is certified as safe.</p>
<p>(2) Where piledriving equipment is used, an employer shall ensure that a brake band or clutch that is contaminated by oil or grease is dismantled and cleaned or replaced before further use.</p>	<p>(2) Where piledriving equipment is used, an employer shall ensure that a brake band or clutch that is contaminated by oil or grease is dismantled and cleaned or replaced before further use.</p>	<p><u>Stakeholders:</u> equipment must be maintained according to manufacturer's instructions</p> <p><u>Committee:</u> That is covered in section 31.</p>
<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) before a pile is placed in position for driving, the pile head is cut square and, in the case of a timber pile, cleaned free of debris, bark and splintered wood; and (b) workers are adequately protected from injury that may be caused by the failure of a pile being driven. 	<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) before a pile is placed in position for driving, the pile head is cut square and, in the case of a timber pile, cleaned free of debris, bark and splintered wood; and (b) workers are adequately protected from injury that may be caused by the failure of a pile being driven. 	
<p>(4) An employer shall not require or permit a worker who works with piledriving equipment</p> <ul style="list-style-type: none"> (a) to remain or ride on a load being moved; (b) to work, stand or pass under a suspended load; or (c) to be on the superstructure of the 	<p>(4) An employer shall not require or permit a worker who works with piledriving equipment</p> <ul style="list-style-type: none"> (a) to remain or ride on a load being moved; (b) to work, stand or pass under a suspended load; or (c) to be on the superstructure of the 	

<p>equipment or within range of a falling pile unless the worker is directly involved in the operation of hoisting piles.</p>	<p>equipment or within range of a falling pile unless the worker is directly involved in the operation of hoisting piles.</p>	
<p>(5) Where a worker uses piledriving equipment, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) a pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and (b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile. 	<p>(5) Where a worker uses piledriving equipment, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) a pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and (b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile. 	
<p>(6) Where piledriving equipment is fitted with pressure hammers, an employer or supplier shall ensure that the hoses are equipped with safety chains or safety ropes on the pressure side of the hose connections.</p>	<p>(6) Where piledriving equipment is fitted with pressure hammers, an employer or supplier shall ensure that the hoses are equipped with safety chains or safety ropes on the pressure side of the hose connections.</p>	
<p>(7) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) crane booms used with vibratory hammers or vibratory pile extractors are inspected monthly by a competent person for structural defects; and (b) any structural defects found pursuant to paragraph (a) are repaired under the direction of a professional engineer and certified as safe by the professional engineer before the booms are put back into service. 	<p>(7) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) crane booms used with vibratory hammers or vibratory pile extractors are inspected monthly by a competent person for structural defects; and (b) any structural defects found pursuant to paragraph (a) are repaired under the direction of a professional engineer and certified as safe by the professional engineer before the booms are put back into service. 	<p><u>Stakeholders:</u> where must the engineer be direction does not mean at the site of modification work but could mean directing the work from Toronto or other off site location</p> <p><u>Committee:</u> This depends on the facts of the case. A P.Eng. from Toronto may still be able to provide direction under subsection (7).</p>
<p>(8) An operator of piledriving equipment shall ensure that</p> <ul style="list-style-type: none"> (a) the pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and 	<p>(8) An operator of piledriving equipment shall ensure that</p> <ul style="list-style-type: none"> (a) the pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and 	

<p>(b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile.</p>	<p>(b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile.</p>	
<p>PART 14 RIGGING</p>	<p>PART 14 RIGGING</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>243. In this Part, “pendant” means a fixed-length rope that forms part of a boom-suspension system; “rigging” means any combination of rope, wire rope, cable, chain, sling, sheave, hook and associated fittings used in a winching or hoisting operation.</p>	<p>243. In this Part, “pendant” means a fixed-length rope that forms part of a boom-suspension system; “rigging” means any combination of rope, wire rope, cable, chain, sling, sheave, hook and associated fittings used in a winching or hoisting operation.</p>	
<p>General Requirements</p>	<p>General Requirements</p>	
<p>244. An employer shall ensure that (a) all rigging is assembled, used, maintained and dismantled under the supervision of a competent worker and in accordance with the manufacturer's specifications and instructions; and (b) any worker who is required or permitted to assemble, use, maintain or dismantle rigging is trained in safe rigging practices.</p>	<p>244. An employer shall ensure that (a) all rigging is assembled, used, maintained and dismantled under the supervision of a competent worker and in accordance with the manufacturer's specifications and instructions; and (b) any worker who is required or permitted to assemble, use, maintain or dismantle rigging is trained in safe rigging practices.</p>	<p><u>Stakeholders</u>: Could cause possible problems as will require more staff trained such as project monitors. <u>Committee</u>: Levels of staffing is a matter for the employer. Having competent workers and following these sorts of practices is critical to OHS.</p>
<p>Inspection</p>	<p>Inspection</p>	
<p>245. An employer shall ensure that all rigging and components of rigging safely perform their intended function by (a) inspecting them thoroughly at appropriate intervals; and (b) visually inspecting them before each use.</p>	<p>245. An employer shall ensure that all rigging and components of rigging safely perform their intended function by (a) inspecting them thoroughly at appropriate intervals; and (b) visually inspecting them before each use.</p>	

Maximum Loads	Maximum Loads	
<p>246. (1) An employer shall ensure that no load is imposed on any rigging that is in excess of</p> <ul style="list-style-type: none"> (a) 10% of the breaking strength of the weakest part of the rigging, in the case of rigging used to raise or lower workers; and (b) 20% of the breaking strength of the weakest part of the rigging, in the case of any other rigging. 	<p>246. (1) An employer shall ensure that no load is imposed on any rigging that is in excess of</p> <ul style="list-style-type: none"> (a) 10% of the breaking strength of the weakest part of the rigging, in the case of rigging used to raise or lower workers; and (b) 20% of the breaking strength of the weakest part of the rigging, in the case of any other rigging. 	
<p>(2) Subject to subsection (3), an employer or supplier shall ensure that the maximum load that may be winched or hoisted by any rigging, as determined by the manufacturer of the rigging or a professional engineer, is conspicuously marked on the rigging.</p>	<p>(2) Subject to subsection (3), an employer or supplier shall ensure that the maximum load that may be winched or hoisted by any rigging, as determined by the manufacturer of the rigging or a professional engineer, is conspicuously marked on the rigging.</p>	
<p>(3) Where it is not practicable to conspicuously mark the maximum load on the rigging, an employer shall ensure that information about the maximum load that may be winched or hoisted by the rigging is made readily available to the workers.</p>	<p>(3) Where it is not practicable to conspicuously mark the maximum load on the rigging, an employer shall ensure that information about the maximum load that may be winched or hoisted by the rigging is made readily available to the workers.</p>	
Slings	Slings	
<p>247. (1) An employer shall ensure that a sling used to hoist a load and the sling's fittings and attachments are</p> <ul style="list-style-type: none"> (a) suitable for the intended use of the sling, fittings and attachments; (b) suitable for, and capable of, supporting the load being hoisted; (c) arranged to prevent the load or any part of the load from slipping or falling; (d) arranged to ensure that the load is equally divided among the slings, when more than one sling is used; (e) capable of supporting 	<p>247. (1) An employer shall ensure that a sling used to hoist a load and the sling's fittings and attachments are</p> <ul style="list-style-type: none"> (a) suitable for the intended use of the sling, fittings and attachments; (b) suitable for, and capable of, supporting the load being hoisted; (c) arranged to prevent the load or any part of the load from slipping or falling; (d) arranged to ensure that the load is equally divided among the slings, when more than one sling is used; (e) capable of supporting 	

<p>(i) at least 10 times the load to which the sling, fittings and attachments may be subjected, where they are used to support a worker, and</p> <p>(ii) at least five times the maximum load to which the sling, fittings and attachments may be subjected, in any other case; and</p> <p>(f) guarded to prevent damage to the sling, where the sling may be applied over a sharp edge.</p>	<p>(i) at least 10 times the load to which the sling, fittings and attachments may be subjected, where they are used to support a worker, and</p> <p>(ii) at least five times the maximum load to which the sling, fittings and attachments may be subjected, in any other case; and</p> <p>(f) guarded to prevent damage to the sling, where the sling may be applied over a sharp edge.</p>	
<p>(2) An employer or supplier shall ensure that a sling</p> <p>(a) is clearly labelled to indicate the sling's maximum load or the sling's maximum load is made readily available to workers; and</p> <p>(b) is not used if the sling has been or may-be damaged.</p>	<p>(2) An employer or supplier shall ensure that a sling</p> <p>(a) is clearly labelled to indicate the sling's maximum load or the sling's maximum load is made readily available to workers; and</p> <p>(b) is not used if the sling has been or may be damaged.</p>	<p><u>Stakeholders</u>: delete "or may be"</p> <p><u>Committee</u>: If one removes "may be", then the provision is more limiting. If there is a belief that the sling may have been damaged, that is covered here.</p>
<p>Shackles</p>	<p>Shackles</p>	
<p>248. (1) An employer shall ensure that no shackle is subjected to a load greater than the maximum load indicated on the shackle.</p>	<p>248. (1) An employer shall ensure that no shackle is subjected to a load greater than the maximum load indicated on the shackle.</p>	
<p>(2) An employer shall ensure that</p> <p>(a) all shackle pins are installed to prevent accidental withdrawal; and</p> <p>(b) a bolt is never used in place of a properly fitted shackle pin.</p>	<p>(2) An employer shall ensure that</p> <p>(a) all shackle pins are installed to prevent accidental withdrawal; and</p> <p>(b) a bolt is never used in place of a properly fitted shackle pin.</p>	
<p>Sheaves, Spools and Drums</p>	<p>Sheaves, Spools and Drums</p>	
<p>249. (1) An employer shall ensure that</p> <p>(a) the diameter of a sheave, spool or drum for wire rope is not less than the diameter specified by the manufacturer of the rope and the rope is the correct size for the</p>	<p>249. (1) An employer shall ensure that</p> <p>(a) the diameter of a sheave, spool or drum for wire rope is not less than the diameter specified by the manufacturer of the rope and the rope is the correct size for the</p>	

<p>sheave, spool or drum over which the rope passes;</p> <p>(b) the grooving of a sheave is the correct size for the diameter of rope; and</p> <p>(c) a block or sheave is constructed or installed so that the rope cannot leave the block or sheave groove.</p>	<p>sheave, spool or drum over which the rope passes;</p> <p>(b) the grooving of a sheave is the correct size for the diameter of rope; and</p> <p>(c) a block or sheave is constructed or installed so that the rope cannot leave the block or sheave groove.</p>	
<p>(2) An employer shall ensure that</p> <p>(a) rope fastened to a winding drum is fastened securely;</p> <p>(b) the number of full wraps of rope that remain on a winding drum corresponds to the manufacturer's recommendations; and</p> <p>(c) where there are no manufacturer's recommendations, at least five full wraps of rope remain on a winding drum at all times.</p>	<p>(2) An employer shall ensure that</p> <p>(a) rope fastened to a winding drum is fastened securely;</p> <p>(b) the number of full wraps of rope that remain on a winding drum corresponds to the manufacturer's recommendations; and</p> <p>(c) where there are no manufacturer's recommendations, at least five full wraps of rope remain on a winding drum at all times.</p>	<p><u>Stakeholders:</u> does not pass over a drum (and in (b) or drum)</p> <p><u>Committee:</u> If there are windings on a drum, then the rope passes over and under the drum.</p>
<p>Knots, Wire Rope Clips</p>	<p>Knots, Wire Rope Clips</p>	
<p>250. (1) An employer shall ensure that</p> <p>(a) no knot or wire rope clip is used as a stopper on a rope or rope end that passes through a winding drum; and</p> <p>(b) no knot is used to connect rigging hardware to a wire rope.</p>	<p>250. (1) An employer shall ensure that</p> <p>(a) no knot or wire rope clip is used as a stopper on a rope or rope end that passes through a winding drum; and</p> <p>(b) no knot is used to connect rigging hardware to a wire rope.</p>	
<p>(2) An employer shall ensure that all wire rope clips are</p> <p>(a) made of drop-forged steel;</p> <p>(b) installed according to the manufacturer's instructions; and</p> <p>(c) inspected at frequent intervals to ensure the nuts are tight.</p>	<p>(2) An employer shall ensure that all wire rope clips are</p> <p>(a) made of drop-forged steel;</p> <p>(b) installed according to the manufacturer's instructions; and</p> <p>(c) inspected at frequent intervals to ensure the nuts are tight.</p>	<p><u>Stakeholders:</u> for movement re: (c)</p> <p><u>Committee:</u> If the nuts are tight, then they should not be moving. Loose nuts might not move if there is no force applied.</p>
<p>(3) Where U-bolt clips are used to fasten wire rope, an employer shall ensure that</p> <p>(a) the U-bolt is installed so that the U section bears on the short or dead</p>	<p>(3) Where U-bolt clips are used to fasten wire rope, an employer shall ensure that</p> <p>(a) the U-bolt is installed so that the U section bears on the short or dead</p>	

<p>end of the rope and the saddle bears on the long or live end of the rope;</p> <p>(b) the nuts are correctly torqued; and</p> <p>(c) the number of clips and the amount of rope turn-back conform to the manufacturer's specifications and instructions.</p>	<p>end of the rope and the saddle bears on the long or live end of the rope;</p> <p>(b) the nuts are correctly torqued; and</p> <p>(c) the number of clips and the amount of rope turn-back conform to the manufacturer's specifications and instructions.</p>	
<p>(4) Where double saddle or fist clips are used to fasten wire rope, an employer shall ensure that the clips are installed in numbers and with the amount of rope turn-back specified by the manufacturer.</p>	<p>(4) Where double saddle or fist clips are used to fasten wire rope, an employer shall ensure that the clips are installed in numbers and with the amount of rope turn-back specified by the manufacturer.</p>	
<p>(5) Where double base clips are used to fasten wire rope, an employer shall ensure that the clips are at least six rope diameters in length.</p>	<p>(5) Where double base clips are used to fasten wire rope, an employer shall ensure that the clips are at least six rope diameters in length.</p>	
<p>Eye Loops</p>	<p>Eye Loops</p>	
<p>251. (1) An employer shall ensure that every eye loop used in a sling</p> <p>(a) is formed from</p> <p>(i) a Flemish eye splice secured by a pressed steel ferrule; or</p> <p>(ii) a steel wire loop secured by a cold-formed aluminum alloy ferrule; and</p> <p>(b) is readily identifiable as being formed as described in paragraph (a).</p>	<p>251.(1) An employer shall ensure that every eye loop used in a sling</p> <p>(a) is formed from</p> <p>(i) a Flemish eye splice secured by a pressed steel ferrule; or</p> <p>(ii) a steel wire loop secured by a cold-formed aluminum alloy ferrule; and</p> <p>(b) is readily identifiable as being formed as described in paragraph (a).</p>	
<p>(2) Except where otherwise specified by the manufacturer of the rope, an employer shall ensure that a suitable and properly sized thimble is inserted in an eye loop to increase the strength of the eye and decrease wear on the rope.</p>	<p>(2) Except where otherwise specified by the manufacturer of the rope, an employer shall ensure that a suitable and properly sized thimble is inserted in an eye loop to increase the strength of the eye and decrease wear on the rope.</p>	
<p>Hooks</p>	<p>Hooks</p>	
<p>252. (1) Where the dislodgment of a hook could injure a worker, an employer shall ensure that the hook is secured by a safety latch, mousing,</p>	<p>252. (1) Where the dislodgment of a hook could injure a worker, an employer shall ensure that the hook is secured by a safety latch, mousing,</p>	<p><u>Stakeholders</u>: strongly disagrees with the proposed wording in (d) as a lift should never reach such a condition. If it does there is</p>

<p>shackle or other effective means, except where</p> <ul style="list-style-type: none"> (a) skeleton steel is being hoisted or a similar operation is being performed while a sorting or grab hook is being used; (b) power poles or telephone poles are being hoisted into place or removed using an approved S-hook; (c) the design of the hook and the work practices used prevent dislodgement of the hook; or (d) the health and safety of a worker disconnecting the hook would be placed at risk. 	<p>shackle or other effective means, except where</p> <ul style="list-style-type: none"> (a) skeleton steel is being hoisted or a similar operation is being performed while a sorting or grab hook is being used; (b) power poles or telephone poles are being hoisted into place or removed using an approved S-hook; (c) the design of the hook and the work practices used prevent dislodgement of the hook; or (d) the health and safety of a worker disconnecting the hook would be placed at risk. 	<p>something wrong with the way the lift is being conducted.</p> <p><u>Committee:</u> The safety latch etc. is aimed at reducing one problem but in certain cases (i.e. those listed) it may actually create a greater problem. This section addresses that.</p>
<p>(2) An employer shall not require or permit a worker to use a hook where</p> <ul style="list-style-type: none"> (a) the throat opening has been increased or the tip has been bent more than 10° out of plane from the hook body; or (b) any dimension of the hook has been reduced by more than 10%. 	<p>(2) An employer shall not require or permit a worker to use a hook where</p> <ul style="list-style-type: none"> (a) the throat opening has been increased or the tip has been bent more than 10° out of plane from the hook body; or (b) any dimension of the hook has been reduced by more than 10%. 	<p><u>Stakeholders:</u> suggest that any hook deformation should be cause for the hook to be replaced due to metal having induced stresses beyond its yield point. The reference to 10% should be deleted.</p> <p><u>Committee:</u> Tension on any hook will result in a deformation of some degree. The issue here is what are acceptable tolerances for deformation. An upper limit of 10% dimensional deformation is proposed (common in other jurisdictions). The stakeholder-suggested requirement would be too restrictive on industry if in regulations. Should the stakeholder decide to act more safely than is required, that is commendable and there is nothing preventing it from doing so.</p>
<p>(3) An employer shall not require or permit a worker to side load, back load or tip load a hook unless the hook has been specifically designed for that purpose.</p>	<p>(3) An employer shall not require or permit a worker to side load, back load or tip load a hook unless the hook has been specifically designed for that purpose.</p>	
<p>(4) An employer or supplier shall ensure that</p> <ul style="list-style-type: none"> (a) a hook is clearly labelled with the maximum load of the hook in a 	<p>(4) An employer or supplier shall ensure that</p> <ul style="list-style-type: none"> (a) a hook is clearly labelled with the maximum load of the hook in a 	

<p>location where a worker using the hook can easily see the rating; or (b) the hook's maximum load is made readily available to workers.</p>	<p>location where a worker using the hook can easily see the rating; or (b) the hook's maximum load is made readily available to workers.</p>	
<p>(5) An employer shall not require or permit a worker to allow a load to bear against a safety latch, mousing or shackle.</p>	<p>(5) An employer shall not require or permit a worker to allow a load to bear against a safety latch, mousing or shackle.</p>	
<p>Wedge Sockets</p>	<p>Wedge Sockets</p>	
<p>253. Where a wedge socket is used to anchor a wire rope, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the wedge socket is installed according to an approved method; (b) the dead end of the wire rope extends at least 15 cm beyond the wedge socket; and (c) the wire rope is fitted with a wire rope clip to prevent accidental release or loosening of the wedge. 	<p>253. Where a wedge socket is used to anchor a wire rope, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the wedge socket is installed according to an approved method; (b) the dead end of the wire rope extends at least 15 cm beyond the wedge socket; and (c) the wire rope is fitted with a wire rope clip to prevent accidental release or loosening of the wedge. 	<p><u>Stakeholders</u>: should there not be a reference to the wedge being designed for the rope?</p> <p><u>Committee</u>: No. A wedge socket will be designed for a specific diameter of wire rope and will have manufacturer's instructions. Sections 5, 6 and 6.1 of the Act (i.e. duties of employers, workers and suppliers) apply. Remember the word "approved" in paragraph (a) is a defined term in section 1. Codes of practice and standards may be used to provide further guidance.</p>
<p>Wire Rope</p>	<p>Wire Rope</p>	
<p>254. (1) An employer shall ensure that wire rope used in rigging</p> <ul style="list-style-type: none"> (a) is the type, size, grade and construction recommended by the manufacturer of the hoisting equipment or is rope of an equivalent type, size, grade and construction; (b) is compatible with the sheaves and the drum of the hoisting equipment; (c) is lubricated to prevent corrosion and wear; (d) is not spliced or knotted; and (e) is fitted with end connections that <ul style="list-style-type: none"> (i) conform to the manufacturer's specifications and instructions 	<p>254. (1) An employer shall ensure that wire rope used in rigging</p> <ul style="list-style-type: none"> (a) is the type, size, grade and construction recommended by the manufacturer of the hoisting equipment or is rope of an equivalent type, size, grade and construction; (b) is compatible with the sheaves and the drum of the hoisting equipment; (c) is lubricated to prevent corrosion and wear; (d) is not spliced or knotted; and (e) is fitted with end connections that <ul style="list-style-type: none"> (i) conform to the manufacturer's specifications and instructions 	

<p>concerning number, size and installation method, and (ii) are securely fastened to the wire rope.</p>	<p>concerning number, size and installation method, and (ii) are securely fastened to the wire rope.</p>	
<p>(2) An employer shall ensure that no wire rope used in rigging (a) subject to subsection (3), contains six or more randomly-distributed wires that are broken in one rope lay, or three or more wires that are broken in one strand in a rope lay; (b) is worn by more than one-third of the original diameter of the wire rope's outside individual wires; or (c) shows evidence of (i) kinking, birdcaging, corrosion or other damage resulting in distortion of the rope structure, or (ii) damage that may result in rope failure.</p>	<p>(2) An employer shall ensure that no wire rope used in rigging (a) subject to subsection (3), contains six or more randomly-distributed wires that are broken in one rope lay, or three or more wires that are broken in one strand in a rope lay; (b) is worn by more than one-third of the original diameter of the wire rope's outside individual wires; or (c) shows evidence of (i) kinking, birdcaging, corrosion or other damage resulting in distortion of the rope structure, or (ii) damage that may result in rope failure.</p>	<p><u>Stakeholders:</u> not sure I understand what you are trying to say or how you are going to measure this <u>Committee:</u> Employer has to know composition of wire rope (provided by supplier) and broken strands are visible on inspection. Wear can be determined with periodic measuring of dimensions of the wire rope, detection of broken strands and comparing with specifications.</p>
<p>(3) An employer shall ensure that no wire rope that is static or that is used for pendants has (a) three or more broken wires in one lay or in a section between end connectors; or (b) one or more broken wires at an end connector.</p>	<p>(3) An employer shall ensure that no wire rope that is static or that is used for pendants has (a) three or more broken wires in one lay or in a section between end connectors; or (b) one or more broken wires at an end connector.</p>	
<p>(4) An employer shall ensure that rotation-resistant wire rope is not used (a) as a cable in boom hoist reeving and pendants; or (b) where an inner wire or strand of the wire rope is damaged or broken.</p>	<p>(4) An employer shall ensure that rotation-resistant wire rope is not used (a) as a cable in boom hoist reeving and pendants; or (b) where an inner wire or strand of the wire rope is damaged or broken.</p>	
<p>(5) An employer shall ensure that no load is imposed on any wire rope that exceeds the maximum load recommended by the</p>	<p>(5) An employer shall ensure that no load is imposed on any wire rope that exceeds the maximum load recommended by the</p>	

manufacturer of the wire rope.	manufacturer of the wire rope.	
Motion of Load	Motion of Load	
255.Where a worker may be endangered by the motion of a load during winching or hoisting, an employer shall ensure that (a) one or more taglines are used to control the motion of the load; (b) the taglines are of sufficient length to protect the workers from any overhead hazard; (c) the taglines are not removed from the load until the load is securely landed; and (d) only workers directly engaged in the winching or hoisting operation are allowed to be in the area where the load is being winched or hoisted.	255.Where a worker may be endangered by the motion of a load during winching or hoisting, an employer shall ensure that (a) one or more taglines are used to control the motion of the load; (b) the taglines are of sufficient length to protect the workers from any overhead hazard; (c) the taglines are not removed from the load until the load is securely landed; and (d) only workers directly engaged in the winching or hoisting operation are allowed to be in the area where the load is being winched or hoisted.	
PART 15 ROBOTICS	PART 15 ROBOTICS	
Interpretation	Interpretation	
256.In this Part, "emergency stop" means a circuit that uses hardware based components to override all other robot controls, shut off energy to a robot and stop all moving parts of a robot;	256.In this Part, "emergency stop" means a circuit that uses hardware based components to override all other robot controls, shut off energy to a robot and stop all moving parts of a robot;	<u>Stakeholders</u> : stop all motion re: "emergency stop" <u>Committee</u> : The definition "emergency stop" has numerous elements to it, including stopping all moving parts. If all moving parts are stopped, one has stopped all motion.
"end-effector" means an accessory device or tool specifically designed to be attached to a robot wrist or tool mounting plate to enable the robot to perform the robot's intended task;	"end-effector" means an accessory device or tool specifically designed to be attached to a robot wrist or tool mounting plate to enable the robot to perform the robot's intended task;	
"interlock" means an arrangement whereby the operation of one control or mechanism brings about, or prevents, the operation of another control or mechanism;	"interlock" means an arrangement whereby the operation of one control or mechanism brings about, or prevents, the operation of another control or mechanism;	
"interlock barrier" means a physical barrier	"interlock barrier" means a physical barrier	

around a work envelope that is equipped with gates and interlocks designed to stop all automatic operations of a robot and robot system when any gate within the barrier is opened;	around a work envelope that is equipped with gates and interlocks designed to stop all automatic operations of a robot and robot system when any gate within the barrier is opened;	
"limiting device" means a device that restricts the distance a robot can travel after the limiting device is actuated;	"limiting device" means a device that restricts the distance a robot can travel after the limiting device is actuated;	
"pendant" means a portable control device that permits an operator to control a robot from within the work envelope of the robot;	"pendant" means a portable control device that permits an operator to control a robot from within the work envelope of the robot;	<p><u>Stakeholders:</u> re: "pendant" no we should not allow a person to work with[in] the work envelope of the robot</p> <p><u>Committee:</u> To not allow a person in the work envelope (including the restricted work envelope) would make it impossible for a worker to service and maintain a robot.</p>
"presence sensing device" means a device that is designed, constructed and installed to create a sensing field or area and that detects an intrusion into the field or area by workers, robots or other objects and stops all motion of the robot when the presence-sensing device is activated;	"presence sensing device" means a device that is designed, constructed and installed to create a sensing field or area and that detects an intrusion into the field or area by workers, robots or other objects and stops all motion of the robot when the presence-sensing device is activated;	
"restricted work envelope" means the portion of a work envelope to which a robot is restricted by limiting devices that establish limits that cannot be exceeded if the robot or the robot's controls fail;	"restricted work envelope" means the portion of a work envelope to which a robot is restricted by limiting devices that establish limits that cannot be exceeded if the robot or the robot's controls fail;	
"robot" means a reprogrammable multi-functional manipulator designed to move material, parts, tools or specialized devices through variable programmed motions to perform a variety of tasks;	"robot" means a reprogrammable multi-functional manipulator designed to move material, parts, tools or specialized devices through variable programmed motions to perform a variety of tasks;	
"robot system" means a robot and all the accessories required for the robot's operation, including end-effectors, pendants, devices, sensors, safeguards, power and control panels and communication interfaces to sequence and	"robot system" means a robot and all the accessories required for the robot's operation, including end-effectors, pendants, devices, sensors, safeguards, power and control panels and communication interfaces to sequence and	

monitor the robot;	monitor the robot;	
"slow speed" means a mode of operation in which the speed of any part of a robot does not exceed 250 mm per second;	"slow speed" means a mode of operation in which the speed of any part of a robot does not exceed 250 mm per second;	
"teach" means to generate and store a series of positional data points by moving a robot arm through a path of intended motions;	"teach" means to generate and store a series of positional data points by moving a robot arm through a path of intended motions;	
"work envelope" means the volume of space enclosing the maximum designed reach of a robot, including the end-effector, and the material, part, tool or specialized device that the robot is designed to manipulate.	"work envelope" means the volume of space enclosing the maximum designed reach of a robot, including the end-effector, and the material, part, tool or specialized device that the robot is designed to manipulate.	
Application of Part	Application of Part	
257.This Part applies to the installation, operation, teaching and maintenance of robots and robot systems, but does not apply to personal robots, automatic guided vehicle systems, automated storage and retrieval systems, automatic conveyor and shuttle systems, mobile robots or numerically controlled machine tools.	257.This Part applies to the installation, operation, teaching and maintenance of robots and robot systems, but does not apply to personal robots, automatic guided vehicle systems, automated storage and retrieval systems, automatic conveyor and shuttle systems, mobile robots or numerically controlled machine tools.	
Safe Work Practices and Procedures	Safe Work Practices and Procedures	
258. (1) An employer shall, in consultation with the Committee, the occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers, <ul style="list-style-type: none"> (a) assess potential hazards to a worker who is required or permitted to install, operate, teach or maintain a robot or robot system at the work site; and (b) develop written safe work practices and procedures for the installation, operation, teaching and maintenance of robots and robot systems. 	258. (1) An employer shall, in consultation with the Committee or the representative, <ul style="list-style-type: none"> (a) assess potential hazards to a worker who is required or permitted to install, operate, teach or maintain a robot or robot system at the work site; and (b) develop written safe work practices and procedures for the installation, operation, teaching and maintenance of robots and robot systems. 	<u>Committee</u> : Subsection simplified. There will be either a Committee or a representative, never neither. See sections 45 and 46.

<p>(2) An employer shall ensure that the workers are trained in and implement the safe work practices and procedures developed pursuant to paragraph (1)(b).</p>	<p>(2) An employer shall ensure that the workers are trained in and implement the safe work practices and procedures developed pursuant to paragraph (1)(b).</p>	
<p>General Requirements</p>	<p>General Requirements</p>	
<p>259. An employer shall ensure that robots and robot systems are</p> <ul style="list-style-type: none"> (a) installed, anchored and wired in accordance with the manufacturer's recommendations and specifications; and (b) compatible with conditions in the environment of the work site, including temperature, humidity, corrosive conditions, the presence of dust, the presence of electromagnetic interference or radiofrequency interference and other conditions that could affect the safe operation or control of the robot or robot system. 	<p>259. An employer shall ensure that robots and robot systems are</p> <ul style="list-style-type: none"> (a) installed, anchored and wired in accordance with the manufacturer's recommendations and specifications; and (b) compatible with conditions in the environment of the work site, including temperature, humidity, corrosive conditions, the presence of dust, the presence of electromagnetic interference or radiofrequency interference and other conditions that could affect the safe operation or control of the robot or robot system. 	
<p>Safeguards</p>	<p>Safeguards</p>	
<p>260. (1) Subject to subsection 261(2) and sections 262 and 263, an employer shall ensure that every robot and robot system is equipped with safeguards</p> <ul style="list-style-type: none"> (a) to prevent a worker from entering the restricted work envelope while the robot or robot system is in motion; or (b) to inhibit robot motion while any part of a worker's body is within the restricted work envelope while the robot or robot system is in motion. 	<p>260. (1) Subject to subsection 261(2) and sections 262 and 263, an employer shall ensure that every robot and robot system is equipped with safeguards</p> <ul style="list-style-type: none"> (a) to prevent a worker from entering the restricted work envelope while the robot or robot system is in motion; or (b) to inhibit robot motion while any part of a worker's body is within the restricted work envelope while the robot or robot system is in motion. 	
<p>(2) The safeguards required by subsection (1)</p> <ul style="list-style-type: none"> (a) may include interlock barriers, 	<p>(2) The safeguards required by subsection (1)</p> <ul style="list-style-type: none"> (a) may include interlock barriers, 	

<p>limiting devices and presence sensing devices; and (b) must include clearly visible line markings on the floor on which the robot or robot system is mounted to identify the restricted work envelope.</p>	<p>limiting devices and presence sensing devices; and (b) must include clearly visible line markings on the floor on which the robot or robot system is mounted to identify the restricted work envelope.</p>	
<p>Controls</p>	<p>Controls</p>	
<p>261. (1) Subject to subsection (2), an employer shall ensure that a robot's primary controls, including a restart control, (a) are located outside the restricted work envelope; (b) are arranged so that the robot and robot system are clearly visible to the worker who operates the primary controls; and (c) cannot be activated inadvertently.</p>	<p>261. (1) Subject to subsection (2), an employer shall ensure that a robot's primary controls, including a restart control, (a) are located outside the restricted work envelope; (b) are arranged so that the robot and robot system are clearly visible to the worker who operates the primary controls; and (c) cannot be activated inadvertently.</p>	
<p>(2) Where a worker is required or permitted to enter the restricted work envelope, an employer shall ensure that the robot's motion cannot be initiated by any person other than the worker within the restricted work envelope using a pendant.</p>	<p>(2) Where a worker is required or permitted to enter the restricted work envelope, an employer shall ensure that the robot's motion cannot be initiated by any person other than the worker within the restricted work envelope using a pendant.</p>	<p><u>Stakeholders</u>: primary controls have to [be] locked out <u>Committee</u>: Sections 157 and 158 deal with locking out. Recall section 1 definition: "locked out" means to have isolated all energy sources from equipment, to have dissipated any residual energy in a system and to have secured the isolation by a device that is operated by a key or other process; The comment uses "locked out" the GSRs in the sense of a safeguard or something on a control panel. The usage in these new regulations is different. In subsection (2) the robot could still be under power, but the subsection requires that control over the robot's motion is initiated only by the worker in the restricted work envelope using a pendant. The primary controls must have been overridden.</p>

<p>(3) An employer shall ensure that a worker who operates a robot or robot system is provided with a readily accessible emergency stop device.</p>	<p>(3) An employer shall ensure that a worker who operates a robot or robot system is provided with a readily accessible emergency stop device.</p>	<p><u>Stakeholders</u>: should it not be a deadman switch or tilt switch like remote controlled equipment?</p> <p><u>Committee</u>: "Emergency stop" is a defined term in section 256: "emergency stop" means a circuit that uses hardware based components to override all other robot controls, shut off energy to a robot and stop all moving parts of a robot;</p>
<p>(4) An employer shall ensure that the controls of a robot provide a slow speed option.</p>	<p>(4) An employer shall ensure that the controls of a robot provide a slow speed option.</p>	<p><u>Stakeholders</u>: which control is primary or pendant</p> <p><u>Committee</u>: Recall definition in section 256: "pendant" means a portable control device that permits an operator to control a robot from within the work envelope of the robot; If the worker is in a restricted work envelope, then the pendant can only be operated by the worker (subsection 261(2)). If the worker is not in the restricted work envelope but still in the work envelope, he or she may still use the pendant but another worker can also use the primary controls.</p>
<p>Protection During Maintenance or Repair</p>	<p>Protection During Maintenance or Repair</p>	
<p>262.An employer shall, before a worker undertakes the maintenance or repair of a robot or robot system, ensure that (a) the robot or robot system is locked out and remains locked out during that activity; or (b) an equally effective procedure is implemented to protect the worker.</p>	<p>262.An employer shall, before a worker undertakes the maintenance or repair of a robot or robot system, ensure that (a) the robot or robot system is locked out and remains locked out during that activity; or (b) an equally effective procedure is implemented to protect the worker.</p>	
<p>Protection During Teaching</p>	<p>Protection During Teaching</p>	
<p>263.Where a worker is required or permitted to teach a robot, an employer shall ensure that (a) only the worker who is teaching the robot is allowed to enter the</p>	<p>263.Where a worker is required or permitted to teach a robot, an employer shall ensure that (a) only the worker who is teaching the robot is allowed to enter the</p>	

<p>restricted work envelope; (b) the robot system is under the sole control of the worker who is teaching the robot; (c) when the robot is under drive power, it operates at slow speed only or at a speed that is deliberately selected and maintained by the worker who is teaching the robot; (d) the robot will not respond to a remote interlock or signal that would activate the robot; and (e) the worker leaves the restricted work envelope before returning the robot to automatic operation.</p>	<p>restricted work envelope; (b) the robot system is under the sole control of the worker who is teaching the robot; (c) when the robot is under drive power, it operates at slow speed only or at a speed that is deliberately selected and maintained by the worker who is teaching the robot; (d) the robot will not respond to a remote interlock or signal that would activate the robot; and (e) the worker leaves the restricted work envelope before returning the robot to automatic operation.</p>	
<p>PART 16 ENTRANCES, EXITS AND LADDERS</p>	<p>PART 16 ENTRANCES, EXITS AND LADDERS</p>	
<p>Entrances and Exits</p>	<p>Entrances and Exits</p>	
<p>264.An employer shall provide and maintain a safe means of entrance to and exit from a work site.</p>	<p>264.An employer shall provide and maintain a safe means of entrance to and exit from a work site.</p>	<p><u>Stakeholders</u>: entrance could be the doorway believe the word should be access. <u>Committee</u>: "entrance" is a noun meaning going or coming in (<i>Oxford Concise Dictionary</i>). A doorway could be an entrance. So could a gate or a ladder leading into a space. The word "entrance" is coupled with an antonym "exit". If one says "access", what is the antonym of that term -"barrier"? "Entrance" is proper word in the context.</p>
<p>Doors</p>	<p>Doors</p>	
<p>265.An employer shall ensure that (a) every door in a hazardous work area opens away from the hazard and is not blocked by an obstruction; and (b) every walk-in freezer or refrigerator is equipped with a means to open</p>	<p>265.An employer shall ensure that (a) every door in a hazardous work area opens away from the hazard and is not blocked by an obstruction; and (b) every walk-in freezer or refrigerator is equipped with a means to open</p>	

the door from the inside.	the door from the inside.	
Travelways	Travelways	
266. (1) In this section, "travelway" means any place where workers or vehicles regularly travel or pass, and includes a ramp, runway, catwalk, bridge, conveyor, gantry or passage.	266. (1) In this section, "travelway" means any place where workers or vehicles regularly travel or pass, and includes a ramp, runway, catwalk, bridge, conveyor, gantry or passage.	
(2) An employer shall ensure that every travelway (a) is strong enough to withstand any traffic to which the travelway may be subjected; (b) has secure footing for workers and adequate traction for vehicles or equipment; and (c) is at least 900 mm wide.	(2) An employer shall ensure that every travelway (a) is strong enough to withstand any traffic to which the travelway may be subjected; (b) has secure footing for workers and adequate traction for vehicles or equipment; and (c) is at least 900 mm wide.	<u>Stakeholders</u> : narrow must limit access suggests " (c) for foot traffic, is at least 900 mm wide" <u>Committee</u> : The travelway may be for more than just foot traffic. It could be used for wheel chairs, dollies, carts, vehicles etc. Note definition in subsection (1).
(3) An employer shall ensure that every travelway that may give rise to a hazard described in subsection 128(2) is provided with a guardrail.	(3) An employer shall ensure that every travelway that may give rise to a hazard described in subsection 128(2) is provided with a guardrail.	
Stairs	Stairs	
267. (1) An employer shall ensure that (a) the widths of treads, the depths of treads and the vertical distances between treads are uniform throughout the length of any stairway and that each tread is level; and (b) any stairs installed on or after the day on which this section comes into force, including temporary stairs, are at least 600 mm wide.	267. An employer shall ensure that (a) the widths of treads, the depths of treads and the vertical distances between treads are uniform throughout the length of any stairway and that each tread is level; and (b) any stairs installed on or after the day on which this section comes into force, including temporary stairs, are at least 600 mm wide.	
Ladders	Ladders	
268. (1) An employer or supplier shall ensure that every ladder is designed, constructed, used and maintained to perform its function safely.	268. (1) An employer or supplier shall ensure that every ladder is designed, constructed, used and maintained to perform its function safely.	
(2) An employer or supplier shall ensure	(2) An employer or supplier shall ensure	

<p>that</p> <ul style="list-style-type: none"> (a) no wooden ladder or stepladder is painted with any substance other than a transparent coating; and (b) no ladder is made by fastening cleats across a single rail or post. 	<p>that</p> <ul style="list-style-type: none"> (a) no wooden ladder or stepladder is painted with any substance other than a transparent coating; and (b) no ladder is made by fastening cleats across a single rail or post. 	
<p>Portable Ladders</p>	<p>Portable Ladders</p>	
<p>269. (1) In this section and section 270, "portable ladder" means any ladder that is not fixed in place, and includes a stepladder.</p>	<p>269. (1) In this section and section 270, "portable ladder" means any ladder that is not fixed in place, and includes a stepladder.</p>	
<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a portable ladder is equipped with non-slip feet; (b) a portable ladder is secured against accidental movement during use; (c) a metal or wire-bound portable ladder is not used where the ladder or a worker handling or using the ladder may come into contact with an exposed energized electrical conductor; and (d) a portable ladder extends at least 1 m above any platform, roof or other landing to which the ladder is used as a means of access. 	<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a portable ladder is equipped with non-slip feet; (b) a portable ladder is secured against accidental movement during use; (c) a metal or wire-bound portable ladder is not used where the ladder or a worker handling or using the ladder may come into contact with an exposed energized electrical conductor; and (d) a portable ladder extends at least 1 m above any platform, roof or other landing to which the ladder is used as a means of access. 	
<p>(3) An employer shall ensure that each worker who handles or uses a portable ladder is instructed in the requirements of this section.</p>	<p>(3) An employer shall ensure that each worker who handles or uses a portable ladder is instructed in the requirements of this section.</p>	
<p>(4) An employer shall ensure that a stepladder</p> <ul style="list-style-type: none"> (a) is not more than 6 m high when set for use; (b) has legs that are securely held in position by means of metal braces or an equivalent rigid support; and (c) when in use, has a front section slope at an angle of one horizontal 	<p>(4) An employer shall ensure that a stepladder</p> <ul style="list-style-type: none"> (a) is not more than 6 m high when set for use; (b) has legs that are securely held in position by means of metal braces or an equivalent rigid support; and (c) when in use, has a front section slope at an angle of one horizontal 	

to six vertical.	to six vertical.	
<p>(5) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) an extension ladder is equipped with locks that securely hold the sections of the ladder in the extended position; (b) where a section of an extension ladder is extended, the section that is extended overlaps another section for at least 1 m; (c) an extension ladder consisting of two sections does not exceed 14.6 m in length; and (d) an extension ladder consisting of more than two sections does not exceed 20 m in length. 	<p>(5) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) an extension ladder is equipped with locks that securely hold the sections of the ladder in the extended position; (b) where a section of an extension ladder is extended, the section that is extended overlaps another section for at least 1 m; (c) an extension ladder consisting of two sections does not exceed 14.6 m in length; and (d) an extension ladder consisting of more than two sections does not exceed 20 m in length. 	
<p>(6) An employer shall ensure that no single portable ladder and no section of an extension ladder exceeds 9 m in length.</p>	<p>(6) An employer shall ensure that no single portable ladder and no section of an extension ladder exceeds 9 m in length.</p>	
Use of Portable Ladders	Use of Portable Ladders	
<p>270. (1) Where a worker uses a portable ladder other than a stepladder, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the ladder is placed against the structure so that the slope of the ladder is one horizontal to four vertical; (b) the worker does not extend any part of the worker's body except for the worker's arms beyond the side rails of the ladder; (c) the worker maintains a three-point stance on the ladder at all times; and (d) the ladder is anchored to prevent movement <ul style="list-style-type: none"> (i) at its base, and 	<p>270. (1) Where a worker uses a portable ladder other than a stepladder, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the ladder is placed against the structure so that the slope of the ladder is one horizontal to four vertical; (b) the worker does not extend any part of the worker's body except for the worker's arms beyond the side rails of the ladder; and (c) the worker maintains a three-point stance on the ladder at all times; and (d) the ladder is anchored to prevent movement <ul style="list-style-type: none"> (i) at its base, and 	<p><u>Stakeholders</u>: CONCERN: Ladders are not always used to extend past a roof line and therefore cannot be anchored at the top as required in the proposed regulations. A Section or subsection on ground anchors for top of ladders should be added.</p> <p><u>Committee</u>: This section does not require a ladder to extend past a roof line.</p> <p><u>Stakeholders</u>: points out that paragraph (d) is impracticable.</p> <p><u>Committee</u>: The ladder can be tied off. If it is not tied off it will not be secure.</p>

(ii) at its upper points of support.	(ii) at its upper points of support.	
(2) An employer shall ensure that a worker does not work from either of the top two rungs or steps of a portable ladder, unless the ladder is a stepladder that has a platform equipped with a suitable handrail.	(2) An employer shall ensure that a worker does not work from either of the top two rungs or steps of a portable ladder, unless the ladder is a stepladder that has a platform equipped with a suitable handrail.	
Fixed Ladders	Fixed Ladders	
271.(1) In this section, "fixed ladder" means a ladder that is fixed to a structure in a vertical position or at an angle that is between vertical and 25° to the vertical.	271.(1) In this section, "fixed ladder" means a ladder that is fixed to a structure in a vertical position or at an angle that is between vertical and 25° to the vertical.	
(2) A ladder that is fixed to a structure at an angle of more than 25° to the vertical, or more than one horizontal to two vertical, is deemed to be a stairway and is subject to the requirements of sections 136 and 267.	(2) A ladder that is fixed to a structure at an angle of more than 25° to the vertical, or more than one horizontal to two vertical, is deemed to be a stairway and is subject to the requirements of sections 136 and 267.	
(3) An employer shall ensure that (a) the rungs on a fixed ladder are uniformly spaced with centres that are not less than 250 mm and not more than 300 mm apart; (b) a clearance of at least 150 mm is maintained between the rungs on a fixed ladder and the structure to which the ladder is affixed; (c) a fixed ladder is securely held in place at the top and bottom and at any intermediate points that are necessary to prevent sway; (d) the side rails of a fixed ladder extend not less than 1 m above any platform, roof or other landing on the structure to which the ladder is fixed; (e) a ladder opening in a platform, roof or other landing does not exceed 750 mm by 750 mm;	(3) An employer shall ensure that (a) the rungs on a fixed ladder are uniformly spaced with centres that are not less than 250 mm and not more than 300 mm apart; (b) a clearance of at least 150 mm is maintained between the rungs on a fixed ladder and the structure to which the ladder is affixed; (c) a fixed ladder is securely held in place at the top and bottom and at any intermediate points that are necessary to prevent sway; (d) the side rails of a fixed ladder extend not less than 1 m above any platform, roof or other landing on the structure to which the ladder is fixed; (e) a ladder opening in a platform, roof or other landing does not exceed 750 mm by 750 mm;	<u>Stakeholders:</u> re: (e) will that allow passage of a basket stretcher <u>Committee:</u> Yes. Trade brochures indicate that this is the typical design e.g. Titan Series Rescue Stretchers 2 Piece Tapered by Ferno Canada has dimensions 212 cm x 60 cm x 18 cm. There is plenty of clearance.

<p>(f) a fixed ladder that is more than 6 m high</p> <p>(i) is equipped with platforms at intervals of not more than 6 m and ladder cages, or</p> <p>(ii) is equipped with a personal fall arrest system; and</p> <p>(g) a fixed ladder in an excavated shaft is installed in a compartment that is separated from the hoist compartment by a substantial partition.</p>	<p>(f) a fixed ladder that is more than 6 m high</p> <p>(i) is equipped with platforms at intervals of not more than 6 m and ladder cages, or</p> <p>(ii) is equipped with a personal fall arrest system; and</p> <p>(g) a fixed ladder in an excavated shaft is installed in a compartment that is separated from the hoist compartment by a substantial partition.</p>	
<p>(4) Where a ladder cage is required by these regulations, an employer shall ensure that</p> <p>(a) the ladder cage is constructed of hoops that are not more than 1.8 m apart, joined by vertical members not more than 300 mm apart around the circumference of the hoop;</p> <p>(b) no point on a hoop of the ladder cage is more than 750 mm from the ladder; and</p> <p>(c) the ladder cage is of sufficient strength and is designed to contain any worker who may lean or fall against a hoop.</p>	<p>(4) Where a ladder cage is required by these regulations, an employer shall ensure that</p> <p>(a) the ladder cage is constructed of hoops that are not more than 1.8 m apart, joined by vertical members not more than 300 mm apart around the circumference of the hoop;</p> <p>(b) no point on a hoop of the ladder cage is more than 750 mm from the ladder; and</p> <p>(c) the ladder cage is of sufficient strength and is designed to contain any worker who may lean or fall against a hoop.</p>	
<p>(6) Where a ladder cage is constructed, an employer shall ensure that</p> <p>(a) the lowest hoop of the ladder cage is not more than 2.2 m from a platform, landing or the ground; and</p> <p>(b) the uppermost hoop of the ladder cage extends at least 1 m above the level of a platform, landing or roof.</p>	<p>(6) Where a ladder cage is constructed, an employer shall ensure that</p> <p>(a) the lowest hoop of the ladder cage is not more than 2.2 m from a platform, landing or the ground; and</p> <p>(b) the uppermost hoop of the ladder cage extends at least 1 m above the level of a platform, landing or roof.</p>	
<p>Construction Ladders</p>	<p>Construction Ladders</p>	
<p>272. (1) In this section, "construction ladder"</p>	<p>272. (1) In this section, "construction ladder"</p>	

<p>means a ladder constructed at a work site.</p>	<p>means a ladder constructed at a work site.</p>	
<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) the side rails of a construction ladder that is 5 m or less in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 mm by 89 mm or of material of equivalent strength and rigidity; (b) the side rails of a construction ladder that is over 5 m in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 mm by 140 mm or of material of equivalent strength and rigidity; (c) no construction ladder is more than 9 m long; (d) the rungs of a construction ladder are <ul style="list-style-type: none"> (i) constructed of number 1 structural grade spruce lumber that measures not less than 21 mm by 89 mm or of material of equivalent strength and rigidity, (ii) supported by filler blocks or secured by a single continuous wire, and (iii) uniformly spaced with not more than 300 mm between their centres; (e) the width between the side rails of a construction ladder is at least 500 mm; (f) every two-way construction ladder that permits traffic in both directions at the same time is not less than 1.2 m wide and is 	<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) the side rails of a construction ladder that is 5 m or less in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 mm by 89 mm or of material of equivalent strength and rigidity; (b) the side rails of a construction ladder that is over 5 m in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 mm by 140 mm or of material of equivalent strength and rigidity; (c) no construction ladder is more than 9 m long; (d) the rungs of a construction ladder are <ul style="list-style-type: none"> (i) constructed of number 1 structural grade spruce lumber that measures not less than 21 mm by 89 mm or of material of equivalent strength and rigidity, (ii) supported by filler blocks or secured by a single continuous wire, and (iii) uniformly spaced with not more than 300 mm between their centres; (e) the width between the side rails of a construction ladder is at least 500 mm; (f) every two-way construction ladder that permits traffic in both directions at the same time is not less than 1.2 m wide and is 	

<p>constructed with a centre structural rail throughout the ladder's entire length; and (g) no plywood is used for the side rails or rungs of a construction ladder.</p>	<p>constructed with a centre structural rail throughout the ladder's entire length; and (g) no plywood is used for the side rails or rungs of a construction ladder.</p>	
<p>PART 17 EXCAVATIONS, TRENCHES, TUNNELS AND EXCAVATED SHAFTS</p>	<p>PART 17 EXCAVATIONS, TRENCHES, TUNNELS AND EXCAVATED SHAFTS</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>273. In this Part, "sheeting" means the members of a shoring system that retain the earth in position and, in turn, are supported by other members of the shoring system, and includes uprights placed so that individual members are closely spaced, in contact with or interconnected to each other; "shoring" means an assembly of structural members designed to prevent earth or material from falling or sliding into an excavation; "spoil pile" means material excavated from an excavation, trench, tunnel or excavated shaft; "temporary protective structure" means a structure or device in an excavation, trench, tunnel or excavated shaft that is designed to provide protection from cave-ins, collapse, sliding or rolling materials, and includes shoring, boxes, trench shields and similar structures; "type 1 soil" means soil that most closely exhibits the following characteristics: (a) is hard in consistency, very dense in compactive condition and, if a standard penetration test is</p>	<p>273. In this Part, "sheeting" means the members of a shoring system that retain the earth in position and, in turn, are supported by other members of the shoring system, and includes uprights placed so that individual members are closely spaced, in contact with or interconnected to each other; "shoring" means an assembly of structural members designed to prevent earth or material from falling or sliding into an excavation; "spoil pile" means material excavated from an excavation, trench, tunnel or excavated shaft; "temporary protective structure" means a structure or device in an excavation, trench, tunnel or excavated shaft that is designed to provide protection from cave-ins, collapse, sliding or rolling materials, and includes shoring, boxes, trench shields and similar structures; "type 1 soil" means soil that most closely exhibits the following characteristics: (a) is hard in consistency, very dense in compactive condition and, if a standard penetration test is</p>	

<p>performed, has a standard penetration resistance of greater than 50 blows per 300 mm,</p> <ul style="list-style-type: none"> (b) can be penetrated only with difficulty by a small, sharp object; (c) has a dry appearance; (d) has no signs of water seepage; (e) can be excavated only by mechanical equipment; (f) does not include previously excavated soils; <p>"type 2 soil" means soil that most closely exhibits the following characteristics:</p> <ul style="list-style-type: none"> (a) is very stiff in consistency, dense in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of 30 to 50 blows per 300 mm; (b) can be penetrated with moderate difficulty by a small, sharp object; (c) is difficult to excavate with hand tools; (d) has a low to medium natural moisture content and a damp appearance after it is excavated; (e) has no signs of water seepage; (f) does not include previously excavated soils; <p>"type 3 soil" means soil that</p> <ul style="list-style-type: none"> (a) most closely exhibits the following characteristics: <ul style="list-style-type: none"> (i) is stiff in consistency, compact in compactive condition and, if a standard penetration test is performed, has a standard 	<p>performed, has a standard penetration resistance of greater than 50 blows per 300 mm,</p> <ul style="list-style-type: none"> (b) can be penetrated only with difficulty by a small, sharp object; (c) has a dry appearance; (d) has no signs of water seepage; (e) can be excavated only by mechanical equipment; (f) does not include previously excavated soils; <p>"type 2 soil" means soil that most closely exhibits the following characteristics:</p> <ul style="list-style-type: none"> (a) is very stiff in consistency, dense in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of 30 to 50 blows per 300 mm; (b) can be penetrated with moderate difficulty by a small, sharp object; (c) is difficult to excavate with hand tools; (d) has a low to medium natural moisture content and a damp appearance after it is excavated; (e) has no signs of water seepage; (f) does not include previously excavated soils; <p>"type 3 soil" means soil that</p> <ul style="list-style-type: none"> (a) most closely exhibits the following characteristics: <ul style="list-style-type: none"> (i) is stiff in consistency, compact in compactive condition and, if a standard penetration test is performed, has a standard 	
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<p>penetration resistance of 10 to 29 blows per 300 mm;</p> <ul style="list-style-type: none"> (ii) can be penetrated with moderate ease by a small, sharp object; (iii) is moderately difficult to excavate with hand tools; (iv) exhibits signs of surface cracking; (v) exhibits signs of localized water seepage; or <p>(b) is previously excavated soil that does not exhibit any of the characteristics of type 4 soil;</p> <p>"type 4 soil" means soil that</p> <ul style="list-style-type: none"> (a) exhibits any of the following characteristics: <ul style="list-style-type: none"> (i) is firm to very soft in consistency, loose to very loose in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of less than 10 blows per 300 mm; (ii) is easy to excavate with hand tools; (iii) is cohesive soil that is sensitive and, on disturbance, is slightly reduced in internal strength; (iv) is dry and runs easily into a well-defined conical pile; (v) has a wet appearance and runs easily or flows; (vi) is granular soil below the water table, unless the soil has been dewatered; (vii) exerts substantial hydraulic 	<p>penetration resistance of 10 to 29 blows per 300 mm;</p> <ul style="list-style-type: none"> (ii) can be penetrated with moderate ease by a small, sharp object; (iii) is moderately difficult to excavate with hand tools; (iv) exhibits signs of surface cracking; (v) exhibits signs of localized water seepage; or <p>(b) is previously excavated soil that does not exhibit any of the characteristics of type 4 soil;</p> <p>"type 4 soil" means soil that</p> <ul style="list-style-type: none"> (a) exhibits any of the following characteristics: <ul style="list-style-type: none"> (i) is firm to very soft in consistency, loose to very loose in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of less than 10 blows per 300 mm; (ii) is easy to excavate with hand tools; (iii) is cohesive soil that is sensitive and, on disturbance, is slightly reduced in internal strength; (iv) is dry and runs easily into a well-defined conical pile; (v) has a wet appearance and runs easily or flows; (vi) is granular soil below the water table, unless the soil has been dewatered; (vii) exerts substantial hydraulic 	
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<p>pressure when a support system is used; or (b) is previously excavated soil that exhibits any of the characteristics set out in paragraphs (a)(i) to (vii);</p> <p>"upright" means a vertical member of a shoring system that is placed in contact with the earth and usually positioned so that the vertical member does not contact any other vertical member;</p> <p>"wale" means a horizontal member of a shoring system that is placed parallel to the excavation face and whose sides bear against the vertical members of the shoring system or the earth.</p>	<p>pressure when a support system is used; or (b) is previously excavated soil that exhibits any of the characteristics set out in paragraphs (a)(i) to (vii);</p> <p>"upright" means a vertical member of a shoring system that is placed in contact with the earth and usually positioned so that the vertical member does not contact any other vertical member;</p> <p>"wale" means a horizontal member of a shoring system that is placed parallel to the excavation face and whose sides bear against the vertical members of the shoring system or the earth.</p>	
<p>Application of Part</p>	<p>Application of Part</p>	
<p>274.This Part applies to excavations, trenches, tunnels, excavated shafts and boreholes.</p>	<p>274.This Part applies to excavations, trenches, tunnels, excavated shafts and boreholes.</p>	
<p>Locating Underground Pipelines, Cables and Conduits</p>	<p>Locating Underground Pipelines, Cables and Conduits</p>	
<p>275. (1) An employer shall accurately establish the location of all underground pipelines, cables and conduits in an area where work is to be done and shall ensure that those locations are conspicuously marked</p> <p>(a) before commencing work using power tools or powered mobile equipment on an excavation, trench, tunnel, excavated shaft or borehole; or</p> <p>(b) before breaking ground surface with any equipment to a depth that may contact underground utilities.</p>	<p>275. (1) An employer shall accurately establish the location of all underground pipelines, cables and conduits in an area where work is to be done and shall ensure that those locations are conspicuously marked</p> <p>(a) before commencing work using power tools or powered mobile equipment on an excavation, trench, tunnel, excavated shaft or borehole; or</p> <p>(b) before breaking ground surface with any equipment to a depth that may contact underground utilities.</p>	<p><u>Stakeholders</u>: please explain could be a problem as the equipment is need to expose the pipeline cable ...</p> <p><u>Committee</u>: Utilities companies should have details of where these lines are. If not, the lines can be detected by various means (metal detector, EMF etc.). A common practice is to spray paint the areas with fluorescent paint or mark them with chalk.</p>
<p>(2) Where an operation is to be undertaken involving the disturbance of soil within 600 mm of an area of an existing pipeline, cable or</p>	<p>(2) Where an operation is to be undertaken involving the disturbance of soil within 600 mm of an area of an existing pipeline, cable or</p>	

<p>conduit, an employer shall ensure that the pipeline, cable or conduit is exposed by hand digging or other approved method before mechanical excavating is allowed to begin within that area.</p>	<p>conduit, an employer shall ensure that the pipeline, cable or conduit is exposed by hand digging or other approved method before mechanical excavating is allowed to begin within that area.</p>	
<p>(3) Where an operation referred to in subsection (2) exposes a pipeline, cable or conduit, an employer shall ensure that the pipeline, cable or conduit is supported to prevent any damage during backfilling and any subsequent settlement of the ground.</p>	<p>(3) Where an operation referred to in subsection (2) exposes a pipeline, cable or conduit, an employer shall ensure that the pipeline, cable or conduit is supported to prevent any damage during backfilling and any subsequent settlement of the ground.</p>	
<p>(4) Where there is contact with or damage to an underground pipeline, cable or conduit, an employer shall immediately</p> <ul style="list-style-type: none"> (a) notify the owner of the pipeline, cable or conduit that contact or damage has occurred; and (b) take steps to protect the health and safety of any worker who may be at risk until any unsafe condition resulting from the contact or damage is repaired or corrected. 	<p>(4) Where there is contact with or damage to an underground pipeline, cable or conduit, an employer shall immediately</p> <ul style="list-style-type: none"> (a) notify the owner of the pipeline, cable or conduit that contact or damage has occurred; and (b) take steps to protect the health and safety of any worker who may be at risk until any unsafe condition resulting from the contact or damage is repaired or corrected. 	
<p>Excavating and Trenching</p>	<p>Excavating and Trenching</p>	
<p>276. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) before excavating or trenching begins, where the stability of a structure may be affected by an excavation or trench, the structure is supported by a temporary protective structure designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; (b) all loose material is scaled or trimmed from the side of an excavation or trench where a worker 	<p>276. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) before excavating or trenching begins, where the stability of a structure may be affected by an excavation or trench, the structure is supported by a temporary protective structure designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; (b) all loose material is scaled or trimmed from the side of an excavation or trench where a 	

<p>is required or permitted to be present;</p> <p>(c) equipment, spoil piles, rocks and construction materials are kept at least 1 m from the edge of an excavation or trench;</p> <p>(d) an excavation or trench that a worker may be required or permitted to enter is kept free from any accumulation of water; and</p> <p>(e) the slope of a spoil pile adjacent to an excavation or trench has a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal.</p>	<p>worker is required or permitted to be present;</p> <p>(c) equipment, spoil piles, rocks and construction materials are kept at least 1 m from the edge of an excavation or trench;</p> <p>(d) an excavation or trench that a worker may be required or permitted to enter is kept free from any accumulation of water; and</p> <p>(e) the slope of a spoil pile adjacent to an excavation or trench has a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal.</p>	
<p>(2) Subject to subsections (3) and (4), where a wall of an excavation or trench is cut back, an employer shall ensure that</p> <p>(a) in the case of type 1 or type 2 soil, the walls are sloped to within 1.2 m of the bottom of the excavation or trench, with a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal;</p> <p>(b) in the case of type 3 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal; and</p> <p>(c) in the case of type 4 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than three horizontal to one vertical, or 19° measured from the horizontal.</p>	<p>(2) Subject to subsections (3) and (4), where a wall of an excavation or trench is cut back, an employer shall ensure that</p> <p>(a) in the case of type 1 or type 2 soil, the walls are sloped to within 1.2 m of the bottom of the excavation or trench, with a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal;</p> <p>(b) in the case of type 3 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal; and</p> <p>(c) in the case of type 4 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than three horizontal to one vertical, or 19° measured from the horizontal.</p>	<p><u>Stakeholders</u>: Need confirmation whether benching is allowed instead of sloping.</p> <p><u>Committee</u>: "Benching" is a term not used in these regulations. It is a technique used in sloping under certain conditions.</p>

(3) Where an excavation or trench contains more than one type of soil, the soil must be classified as the soil type with the highest number.	(3) Where an excavation or trench contains more than one type of soil, the soil must be classified as the soil type with the highest number.	
(4) Subsection (2) does not apply to an excavation or trench that is cut in sound and stable rock.	(4) Subsection (2) does not apply to an excavation or trench that is cut in sound and stable rock.	
(5) Where an excavation or trench is to be made in the vicinity of an above ground utility or service line, an employer shall ensure that the work is carried out in a manner that will not reduce the original support provided for any above ground utility or service pole, unless permission has previously been obtained from the utility company responsible for the line.	(5) Where an excavation or trench is to be made in the vicinity of an above ground utility or service line, an employer shall ensure that the work is carried out in a manner that will not reduce the original support provided for any above ground utility or service pole, unless permission has previously been obtained from the utility company responsible for the line.	
(6) An employer shall ensure that no powered mobile equipment or vehicle is operated, and that no powered mobile equipment, vehicle or heavy load is located, near an excavation or trench so as to affect the stability of the walls of the excavation or trench.	(6) An employer shall ensure that no powered mobile equipment or vehicle is operated, and that no powered mobile equipment, vehicle or heavy load is located, near an excavation or trench so as to affect the stability of the walls of the excavation or trench.	
Permafrost	Frozen Soil	Committee: Heading changed.
277. (1) In this section, "active layer" means a layer of soil or rock not remaining below 0°C throughout the year and situated above the permafrost; "permafrost" means soil or rock remaining below 0°C throughout the year, and forming when the ground cools sufficiently in winter to produce a frozen layer that persists throughout the following summer.	Removed	<u>Stakeholders</u> : An excavation into the thawed active layer is no different than an excavation into unfrozen ground and should be treated as such. Excavation into the frozen active layer is no different than excavation into normal frozen ground and should be treated as such. Excavation into permafrost in summer may or may not require engineering. Excavation into permafrost in winter is no different than excavation into ordinary frozen ground, other than the requirements for protecting adjacent permafrost, and should be treated as such. There is no distinction regarding the size of the borehole. According to this section a 25, 50 or 75 mm borehole should be treated the same as a
(2) Where an excavation, trench, tunnel, excavated shaft or borehole penetrates into an active layer or into permafrost, an employer shall, in addition to any requirements under this Part,	Removed	

<p>ensure that the excavation or trench is designed and certified by a professional engineer.</p>		<p>1000 mm borehole. The safety differences are obvious.</p> <p><u>Committee:</u> In light of above comment section 277 is simplified. Details about the composition of permafrost are not needed. It is now just another type of frozen soil.</p>
<p>(3) Where an excavation, trench, tunnel, excavated shaft or borehole is made in proximity to or into permafrost, an employer shall take measures to preserve the adjacent permafrost.</p>	<p>277. Where an excavation, trench, tunnel, excavated shaft or borehole is made in proximity to or into frozen soil, an employer shall take measures to preserve the adjacent frozen soil.</p>	
<p>Temporary Protective Structures</p>	<p>Temporary Protective Structures</p>	
<p>278. (1) An employer shall ensure that a temporary protective structure to be used pursuant to this Part,</p> <ul style="list-style-type: none"> (a) is designed, constructed, installed, used, maintained and dismantled to provide adequate protection to a worker who is in an excavation, trench, tunnel, excavated shaft or borehole and to a worker who installs, uses, maintains or dismantles the temporary protective structure; and (b) extends at least 300 mm above the wall of the excavation, trench, tunnel, excavated shaft or borehole to prevent material from falling in. 	<p>278. (1) An employer shall ensure that a temporary protective structure to be used pursuant to this Part,</p> <ul style="list-style-type: none"> (a) is designed, constructed, installed, used, maintained and dismantled to provide adequate protection to a worker who is in an excavation, trench, tunnel, excavated shaft or borehole and to a worker who installs, uses, maintains or dismantles the temporary protective structure; and (b) extends at least 300 mm above the wall of the excavation, trench, tunnel, excavated shaft or borehole to prevent material from falling in. 	
<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) all drawings and instructions necessary to safely construct, install, use, maintain and dismantle a temporary protective structure required pursuant to this Part are kept at the site of the excavation, trench, tunnel, excavated shaft or borehole; and 	<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) all drawings and instructions necessary to safely construct, install, use, maintain and dismantle a temporary protective structure required pursuant to this Part are kept at the site of the excavation, trench, tunnel, excavated shaft or borehole; and 	

<p>(b) where required by this Part, a professional engineer certifies that the temporary protective structure, if constructed and installed as drawn and used, maintained and dismantled as instructed, will provide adequate protection to a worker who constructs, installs, uses, maintains or dismantles the temporary protective structure.</p>	<p>(b) where required by this Part, a professional engineer certifies that the temporary protective structure, if constructed and installed as drawn and used, maintained and dismantled as instructed, will provide adequate protection to a worker who constructs, installs, uses, maintains or dismantles the temporary protective structure.</p>	
<p>(3) Freezing the ground by artificial means is acceptable as an alternative or partial alternative to installing a temporary protective structure in an excavation, trench, tunnel, excavated shaft or borehole if the freezing is</p> <ul style="list-style-type: none"> (a) designed by a professional engineer to control the ground condition so as to ensure the safety of workers; and (b) performed in accordance with the professional engineer's specifications and instructions. 	<p>(3) Freezing the ground by artificial means is acceptable as an alternative or partial alternative to installing a temporary protective structure in an excavation, trench, tunnel, excavated shaft or borehole if the freezing is</p> <ul style="list-style-type: none"> (a) designed by a professional engineer to control the ground condition so as to ensure the safety of workers; and (b) performed in accordance with the professional engineer's specifications and instructions. 	
<p>(4) Freezing the ground by natural means is acceptable as an alternative or partial alternative to installing a temporary protective structure in an excavation, trench, tunnel, excavated shaft or borehole if a professional engineer certifies that the freezing achieves the same effect as the temporary protective structure.</p>	<p>(4) Freezing the ground by natural means is acceptable as an alternative or partial alternative to installing a temporary protective structure in an excavation, trench, tunnel, excavated shaft or borehole if a professional engineer certifies that the freezing achieves the same effect as the temporary protective structure.</p>	
<p>Protection Against Cave-In of Excavations</p>	<p>Protection Against Cave-In of Excavations</p>	
<p>279.(1) Where a worker is present in an excavation that is more than 1.2 m deep and is required to be closer to the wall or bank than the distance equal to the depth of the excavation, an employer shall ensure that the worker is protected from cave-ins or sliding material by</p> <ul style="list-style-type: none"> (a) cutting back the upper portion of 	<p>279.(1) Where a worker is present in an excavation that is more than 1.2 m deep and is required to be closer to the wall or bank than the distance equal to the depth of the excavation, an employer shall ensure that the worker is protected from cave-ins or sliding material by</p> <ul style="list-style-type: none"> (a) cutting back the upper portion of 	

<p>the walls of the excavation in accordance with subsection 276(2);</p> <p>(b) installing a temporary protective structure; or</p> <p>(c) a combination of cutting back the walls to the slope specified in subsection 276(2) and installing a temporary protective structure that extends at least 300 mm above the base of the cut-back.</p>	<p>the walls of the excavation in accordance with subsection 276(2);</p> <p>(b) installing a temporary protective structure; or</p> <p>(c) a combination of cutting back the walls to the slope specified in subsection 276(2) and installing a temporary protective structure that extends at least 300 mm above the base of the cut-back.</p>	
<p>(2) Subject to subsection (3), an employer shall ensure that a temporary protective structure required by paragraph (1)(b) or (c) is</p> <p>(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Schedule O for the type of soil and the depth of the excavation or made of material of equivalent or greater strength; or</p> <p>(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.</p>	<p>(2) Subject to subsection (3), an employer shall ensure that a temporary protective structure required by paragraph (1)(b) or (c) is</p> <p>(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Schedule O for the type of soil and the depth of the excavation or made of material of equivalent or greater strength; or</p> <p>(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.</p>	
<p>(3) An employer shall ensure that a temporary protective structure in an excavation more than 3 m deep is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.</p>	<p>(3) An employer shall ensure that a temporary protective structure in an excavation more than 3 m deep is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.</p>	
<p>Protection Against Cave-In of Trenches</p>	<p>Protection Against Cave-In of Trenches</p>	
<p>280. (1) Where a worker is present in a trench that is more than 1.2 m deep, an employer shall ensure that the worker is protected from cave-ins or sliding material by</p> <p>(a) cutting back the upper portion of the walls of the trench in accordance</p>	<p>280. (1) Where a worker is present in a trench that is more than 1.2 m deep, an employer shall ensure that the worker is protected from cave-ins or sliding material by</p> <p>(a) cutting back the upper portion of the walls of the trench in</p>	

<p>with subsection 276(2);</p> <p>(b) installing a temporary protective structure; or</p> <p>(c) a combination of cutting back the walls to the slope specified in subsection 276(2) and installing a temporary protective structure that extends at least 300 mm above the base of the cut-back.</p>	<p>accordance with subsection 276(2);</p> <p>(b) installing a temporary protective structure; or</p> <p>(c) a combination of cutting back the walls to the slope specified in subsection 276(2) and installing a temporary protective structure that extends at least 300 mm above the base of the cut-back.</p>	
<p>(2) An employer shall ensure that a temporary protective structure required by paragraph (1)(b) or (c) is</p> <p>(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Schedule O for the type of soil and the depth of the trench or made of material of equivalent or greater strength; or</p> <p>(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.</p>	<p>(2) An employer shall ensure that a temporary protective structure required by paragraph (1)(b) or (c) is</p> <p>(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Schedule O for the type of soil and the depth of the trench or made of material of equivalent or greater strength; or</p> <p>(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.</p>	
<p>(3) An employer shall ensure that a temporary protective structure in a trench more than 6 m deep in type 1, type 2 or type 3 soil or in a trench more than 4 m deep in type 4 soil is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.</p>	<p>(3) An employer shall ensure that a temporary protective structure in a trench more than 6 m deep in type 1, type 2 or type 3 soil or in a trench more than 4 m deep in type 4 soil is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.</p>	
<p>(4) An employer shall ensure that</p> <p>(a) shoring is installed and removed in a manner that protects workers from cave-ins and structural collapses and from being struck by shoring components;</p> <p>(b) shoring components are securely</p>	<p>(4) An employer shall ensure that</p> <p>(a) shoring is installed and removed in a manner that protects workers from cave-ins and structural collapses and from being struck by shoring components;</p> <p>(b) shoring components are securely</p>	

<p>connected together to prevent sliding, falling, kickouts or other possible failure; and</p> <p>(c) individual components of shoring are not subjected to loads that exceed the loads the components were designed to bear.</p>	<p>connected together to prevent sliding, falling, kickouts or other possible failure; and</p> <p>(c) individual components of shoring are not subjected to loads that exceed the loads the components were designed to bear.</p>	
<p>(5) Where a worker is in a trench that is more than 1.2 m deep, an employer shall ensure that a competent worker is stationed on the surface to alert the worker in the trench about the development of any potentially unsafe conditions and to provide assistance in an emergency.</p>	<p>(5) Where a worker is in a trench that is more than 1.2 m deep, an employer shall ensure that a competent worker is stationed on the surface to alert the worker in the trench about the development of any potentially unsafe conditions and to provide assistance in an emergency.</p>	
<p>(6) Where a worker is required to enter a trench, an employer shall</p> <p>(a) install ladders, stairways or ramps to provide a safe means of entrance to and exit from the trench; and</p> <p>(b) ensure that the ladder, stairway or ramp is located not more than 8 m from a worker working in the trench.</p>	<p>(6) Where a worker is required to enter a trench, an employer shall</p> <p>(a) install ladders, stairways or ramps to provide a safe means of entrance to and exit from the trench; and</p> <p>(b) ensure that the ladder, stairway or ramp is located not more than 8 m from a worker working in the trench.</p>	
<p>(7) An employer shall ensure that workers are instructed in and comply with the requirements of this section.</p>	<p>(7) An employer shall ensure that workers are instructed in and comply with the requirements of this section.</p>	
<p>Excavated Shafts and Tunnels</p>	<p>Excavated Shafts and Tunnels</p>	
<p>281. (1) An employer shall ensure that</p> <p>(a) during excavating, the walls of an excavated shaft or tunnel are retained by temporary protective structures that are adequate</p> <p>(i) for the type of soil; and</p> <p>(ii) to prevent collapse or cave-in of the walls of the excavated shaft or tunnel;</p> <p>(b) during the excavating of an</p>	<p>281. (1) An employer shall ensure that</p> <p>(a) during excavating, the walls of an excavated shaft or tunnel are retained by temporary protective structures that are adequate</p> <p>(i) for the type of soil; and</p> <p>(ii) to prevent collapse or cave-in of the walls of the excavated shaft or tunnel;</p> <p>(b) during the excavating of an</p>	<p><u>Stakeholders</u>: proposes entire section could be deleted as covered in MHSRs.</p> <p><u>Committee</u>: There can be excavated shafts and tunnels outside of mines. Section is retained.</p>

<p>excavated shaft that is 3 m or more deep or of a tunnel, the walls of the shaft or tunnel are retained by temporary protective structures designed and certified by a professional engineer to be adequate for the protection of workers in the shaft or tunnel and constructed, installed, used, maintained and dismantled in accordance with that design;</p> <p>(c) a solid or wire mesh fence at least 1 m high, or other equally effective means of preventing material from falling into an excavated shaft or the surface opening of a tunnel, is provided around that shaft or opening; and</p> <p>(d) substantial gates that are not less than 1 m high are installed in every opening in a fence provided pursuant to paragraph (c) and the gates are kept closed except when being used.</p>	<p>excavated shaft that is 3 m or more deep or of a tunnel, the walls of the shaft or tunnel are retained by temporary protective structures designed and certified by a professional engineer to be adequate for the protection of workers in the shaft or tunnel and constructed, installed, used, maintained and dismantled in accordance with that design;</p> <p>(c) a solid or wire mesh fence at least 1 m high, or other equally effective means of preventing material from falling into an excavated shaft or the surface opening of a tunnel, is provided around that shaft or opening; and</p> <p>(d) substantial gates that are not less than 1 m high are installed in every opening in a fence provided pursuant to paragraph (c) and the gates are kept closed except when being used.</p>	
<p>(2) A worker who opens a gate referred to in paragraph (1)(d) shall close the gate after the worker no longer has a need to keep the gate open.</p>	<p>(2) A worker who opens a gate referred to in paragraph (1)(d) shall close the gate after the worker no longer has a need to keep the gate open.</p>	
<p>(3) An employer shall provide suitable equipment to keep a tunnel or excavated shaft free from any accumulation of water.</p>	<p>(3) An employer shall provide suitable equipment to keep a tunnel or excavated shaft free from any accumulation of water.</p>	
<p>Boreholes, Belled Areas of Excavated Shafts</p>	<p>Boreholes, Belled Areas of Excavated Shafts</p>	
<p>282. (1) An employer shall ensure that</p> <p>(a) a worker who is required or permitted to enter a borehole is protected by the installation of a casing that is designed by a</p>	<p>282. (1) An employer shall ensure that</p> <p>(a) a worker who is required or permitted to enter a borehole is protected by the installation of a casing that is designed by a</p>	<p><u>Stakeholders:</u> No -- why would we allow a person to go down a bore hole and for what reason would a person have to go down a bore hole? how can you rescue a person from the bottom of a bore hole? the risk is too high and it is also in</p>

<p>professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; and</p> <p>(b) the casing referred to in paragraph (a) extends and remains at least 300 mm above the surface of the ground to prevent material from falling into the casing.</p>	<p>professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; and</p> <p>(b) the casing referred to in paragraph (a) extends and remains at least 300 mm above the surface of the ground to prevent material from falling into the casing.</p>	<p>conflict with the confined space requirements</p> <p><u>Committee:</u> In section 1, "borehole" means a mechanically drilled hole in the ground; Boreholes have a different meaning in the mining context.</p>
<p>(2) An employer shall not require or permit a worker</p> <p>(a) to enter the belled area of an excavated shaft unless the worker is protected by a temporary protective structure that is designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; or</p> <p>(b) to remain in a belled area of an excavated shaft where the worker may be exposed to falling materials.</p>	<p>(2) An employer shall not require or permit a worker</p> <p>(a) to enter the belled area of an excavated shaft unless the worker is protected by a temporary protective structure that is designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; or</p> <p>(b) to remain in a belled area of an excavated shaft where the worker may be exposed to falling materials.</p>	
<p>(3) An employer shall ensure that the worker precedes or accompanies each load of excavated material to the surface.</p>	<p>(3) An employer shall ensure that the worker precedes or accompanies each load of excavated material to the surface.</p>	<p><u>Stakeholders:</u> how riding on the load ... how deep is the shaft delete as covered by MHSRs</p> <p><u>Committee:</u> MHSRs only apply in mines.</p> <p>The intent of this provision is to avoid a situation the worker could be crushed if a load preceding the worker moved backwards.</p>

<p>PART 18 CONFINED SPACE ENTRY</p>	<p>PART 18 CONFINED SPACE ENTRY</p>	<p><u>Stakeholders</u>: Similar question as asked elsewhere how does this apply to H&SS facilities where maintenance is provided by PWS?</p> <p><u>Committee</u>: These facilities involve multiple employers. See section 4.</p> <p><u>Stakeholders</u>: Suggest adding a requirement that the worker have access to communication equipment when feasible</p> <p><u>Committee</u>: See paragraphs 288(b) and 289(2)(h).</p> <p><u>Stakeholders</u>: CONCERN: A section on the construction of a confined space should be added.</p> <p><u>Committee</u>: The nature of construction of a confined space is not relevant. "Confined space" is a globally defined term in section 1: "confined space" means an enclosed or partially enclosed space that is not designed or intended for continuous human occupancy with a restricted means of entry or exit;</p>
<p>Interpretation</p>	<p>Interpretation</p>	
<p>283.In this Part, "hazardous confined space" means a confined space that is or may become hazardous to a worker entering or in the confined space due to <ul style="list-style-type: none"> (a) the design, construction or atmosphere of the space, (b) the materials or substances in the space, (c) the work activities or processes used </p>	<p>283.In this Part, "hazardous confined space" means a confined space that is or may become hazardous to a worker entering or in the confined space due to <ul style="list-style-type: none"> (a) the design, construction or atmosphere of the space, (b) the materials or substances in the space, (c) the work activities or processes </p>	

<p>in the space, or (d) any other conditions relating to the space;</p> <p>"isolate" means to physically interrupt or disconnect pipes, lines and sources of energy from a confined space.</p>	<p>used in the space, or (d) any other conditions relating to the space;</p> <p>"isolate" means to physically interrupt or disconnect pipes, lines and sources of energy from a confined space.</p>	
<p>Identification of Confined Spaces and Hazards</p>	<p>Identification of Confined Spaces and Hazards</p>	
<p>284. Where a worker may be required or permitted to work in a confined space, an employer, in consultation with the Committee, shall identify</p> <ul style="list-style-type: none"> (a) types of confined spaces at the work site that a worker may be required or permitted to enter; (b) types of hazards that are or may be present at each confined space; (c) alternative means to perform the work to be performed in a confined space that will not require the worker to enter the confined space; and (d) alterations to the physical characteristics of the confined spaces that may be necessary to ensure safe entrance to and exit from all accessible parts of each confined space. 	<p>284. Where a worker may be required or permitted to work in a confined space, an employer, in consultation with the Committee, shall identify</p> <ul style="list-style-type: none"> (a) types of confined spaces at the work site that a worker may be required or permitted to enter; (b) types of hazards that are or may be present at each confined space; (c) alternative means to perform the work to be performed in a confined space that will not require the worker to enter the confined space; and (d) alterations to the physical characteristics of the confined spaces that may be necessary to ensure safe entrance to and exit from all accessible parts of each confined space. 	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Will Crawl spaces such as mechanical spaces or chases located under or beside buildings such as North Slave Correctional Centre be considered confined spaces? • Suggestion: Clarify this item. <p><u>Committee:</u> The definition in section 1: "confined space" means an enclosed or partially enclosed space that is not designed or intended for continuous human occupancy with a restricted means of entry or exit;</p> <p>If those spaces fall within the scope of this definition, then those spaces are confined spaces.</p>
<p>Avoidance of Entry into Hazardous Confined Space</p>	<p>Avoidance of Entry into Hazardous Confined Space</p>	
<p>285. (1) Where reasonably practicable, an employer shall use an alternative means to perform work that will not require a worker to enter a hazardous confined space.</p>	<p>285. (1) Where reasonably practicable, an employer shall use an alternative means to perform work that will not require a worker to enter a hazardous confined space.</p>	
<p>(2) An employer shall take all reasonably practicable steps to prevent any unauthorized entry into the hazardous confined space.</p>	<p>(2) An employer shall take all reasonably practicable steps to prevent any unauthorized entry into the hazardous confined space.</p>	

Requirements Before Confined Space is Entered	Requirements Before Confined Space is Entered	<p><u>Stakeholders</u>: change heading to Safe Entrance Requirements before Hazardous or Non Hazardous Confined Space is Entered.</p> <p><u>Committee</u>: A heading is for convenience only and has no interpretative effect. The proposed heading is too long and uses an unfamiliar term: "non-hazardous".</p>
<p>286. (1) Where a worker will be required or permitted to work in a confined space, an employer shall, before requiring or permitting the worker to enter the confined space</p> <ul style="list-style-type: none"> (a) ensure that there is a safe entrance to and exit from all accessible parts of the confined space; and (b) make all practicable alterations to the physical characteristics of the confined space necessary to ensure a safe entrance to and exit from all accessible parts of the confined space. 	<p>286. (1) Where a worker will be required or permitted to work in a confined space, an employer shall, before requiring or permitting the worker to enter the confined space</p> <ul style="list-style-type: none"> (a) ensure that there is a safe entrance to and exit from all accessible parts of the confined space; and (b) make all practicable alterations to the physical characteristics of the confined space necessary to ensure a safe entrance to and exit from all accessible parts of the confined space. 	
<p>(2) In making alterations pursuant to paragraph (1)(b), an employer shall ensure that the structural integrity of the confined space is maintained.</p>	<p>(2) In making alterations pursuant to paragraph (1)(b), an employer shall ensure that the structural integrity of the confined space is maintained.</p>	
Requirements Before Hazardous Confined Space is Entered	Requirements Before Hazardous Confined Space is Entered	
<p>287. (1) Before a worker is required or permitted to enter a hazardous confined space, an employer shall appoint a competent person</p> <ul style="list-style-type: none"> (a) to assess the hazards; (b) where a hazardous atmosphere has been identified, to test the atmosphere of the confined space for <ul style="list-style-type: none"> (i) oxygen enrichment or deficiency, 	<p>287. (1) Before a worker is required or permitted to enter a hazardous confined space, an employer shall appoint a competent person</p> <ul style="list-style-type: none"> (a) to assess the hazards; (b) where a hazardous atmosphere has been identified, to test the atmosphere of the confined space for <ul style="list-style-type: none"> (i) oxygen enrichment or deficiency, 	<p><u>Stakeholders</u>: Not clear what comes first and 287 or 289 and is this in addition to requirement of 289(1)</p> <p><u>Committee</u>: Sections 287 and 289 must be done in advance. The report prepared in subsection 287(3) will probably be used as the foundations of the plan required under section 289.</p> <p><u>Stakeholders</u>: Suggested modification to s.</p>

<ul style="list-style-type: none"> (ii) the presence of flammable or explosive substances, and (iii) the presence and hazardous concentration of airborne chemical substances; and (c) to determine whether <ul style="list-style-type: none"> (i) work activities or processes will result in the release of toxic, flammable or explosive concentrations of any substances during the worker's occupation of the confined space; (ii) measures have been taken to ensure that a worker will not drown or become entrapped in any liquid or free-flowing solid present in the confined space; (iii) the entry of any liquid, free-flowing solid or hazardous substance into the confined space in a quantity that could endanger the health or safety of the worker has been prevented; (iv) all energy sources that present a hazard to a worker entering into, exiting from or occupying the confined space have been locked out, with the energy sources being put in a zero energy state; (v) any hazards from chemical or biological substances are present in the confined space; and (vi) the opening for entry into and exit from the confined space is sufficient to allow safe passage 	<ul style="list-style-type: none"> (ii) the presence of flammable or explosive substances, and (iii) the presence and hazardous concentration of airborne chemical substances; and (c) to determine whether <ul style="list-style-type: none"> (i) work activities or processes will result in the release of toxic, flammable or explosive concentrations of any substances during the worker's occupation of the confined space; (ii) measures have been taken to ensure that a worker will not drown or become entrapped in any liquid or free-flowing solid present in the confined space; (iii) the entry of any liquid, free-flowing solid or hazardous substance into the confined space in a quantity that could endanger the health or safety of the worker has been prevented; (iv) all energy sources that present a hazard to a worker entering into, exiting from or occupying the confined space have been locked out, with the energy sources being put in a zero energy state; (v) any hazards from chemical or biological substances are present in the confined space; and (vi) the opening for entry into and exit from the confined space is sufficient to allow safe passage 	<p>287(1)(c)(iv) to include mention of rescue personnel.</p> <p><u>Committee:</u> This is covered in 289(2)(g).</p> <p><u>Stakeholders:</u> 287(1)(c)(iv) states that before entry all energy sources that present a hazard need to be locked out and in a zero energy state. This is not possible, or very practical, in [our] case unless [our] workers enter the confined space (with appropriate personal protective equipment). More importantly this clause seems to imply that all energy sources that are a hazard need to be confirmed to be locked out again this is not possible for [us] since typically the only practical way to confirm that the equipment is in that state is by entering. Also in some cases we cannot and need not lock out the equipment to do the work since (a) the hazard is mitigated through PPE and work methods, and, (b) the work may not call for it.</p> <p>In all cases we use PPE to mitigate the hazard (e.g. rubber gloves, FRC, hot sticks, face shields) in conjunction with proper work methods. [Stakeholder] requests that this clause be removed or amended to add the follow " . . . if the hazard is mitigated through other means outside lock out work may continue." We recommend that this section adopt the CSA standard Z1006-10 for consistency in the industry.</p> <p><u>Committee:</u> See section 157 for lock out process and section 158 for working on machines in motion or under power. Subsection 287(1) only requires the employer to appoint a competent person to determine if those things in</p>
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<p>of a worker who is using personal protective equipment required by these regulations.</p>	<p>of a worker who is using personal protective equipment required by these regulations.</p>	<p>subparagraph (iv) exist.</p>
<p>(2) When testing the atmosphere of a confined space pursuant to paragraph (1)(b), a competent person shall use appropriate and properly calibrated instruments that have been tested to ensure that the instruments are capable of operating safely and effectively.</p>	<p>(2) When testing the atmosphere of a confined space pursuant to paragraph (1)(b), a competent person shall use appropriate and properly calibrated instruments that have been tested to ensure that the instruments are capable of operating safely and effectively.</p>	
<p>(3) A competent person who carries out the activities described in paragraphs (1)(a) to (c) shall prepare a report in writing that sets out</p> <ul style="list-style-type: none"> (a) the results of the assessment, tests and determinations; (b) recommended special precautions and procedures to reduce the risk to a worker that are to be followed by a worker entering into, exiting from or occupying the confined space; and (c) recommended personal protective equipment to be used by a worker entering the confined space. 	<p>(3) A competent person who carries out the activities described in paragraphs (1)(a) to (c) shall prepare a report in writing that sets out</p> <ul style="list-style-type: none"> (a) the results of the assessment, tests and determinations; (b) recommended special precautions and procedures to reduce the risk to a worker that are to be followed by a worker entering into, exiting from or occupying the confined space; and (c) recommended personal protective equipment to be used by a worker entering the confined space. 	<p><u>Stakeholders:</u> When is the report required and how frequently must re-testing be done and recorded while working in the confined space and where are these readings to be taken at the entrance to the space or where the person is working.</p> <p><u>Committee:</u> Referring to subsection (1), this report is required before a worker is permitted to enter the hazardous confined space. It is required each time before the worker enters (i.e. continuous monitoring). Details of where the readings are to be taken is left to the employer.</p>
<p>Notice Where No Hazard Found</p>	<p>Notice Where No Hazard Found</p>	
<p>288. Where a confined space is identified as a not being a hazardous confined space, an employer shall</p> <ul style="list-style-type: none"> (a) notify a worker who is required to enter the confined space verifying that the confined space is not hazardous; (b) arrange for a method of communication with a worker on entry to and exit from the confined space and at appropriate intervals while a worker is in the confined space; 	<p>288. Where a confined space is identified as a not being a hazardous confined space, an employer shall</p> <ul style="list-style-type: none"> (a) notify a worker who is required to enter the confined space verifying that the confined space is not hazardous; (b) arrange for a method of communication with a worker on entry to and exit from the confined space and at appropriate intervals while a worker is in the confined space; 	<p><u>Stakeholders:</u> believe we mean non hazardous.</p> <p><u>Committee:</u> "Hazardous" is a defined term. What is not hazardous is outside of what falls within that defined term.</p>

<p>(c) prepare a procedure for the removal of a worker who has become injured or incapacitated while in the confined space; and</p> <p>(d) ensure that the ventilation in the confined space is adequate to maintain safe atmospheric conditions.</p>	<p>(c) prepare a procedure for the removal of a worker who has become injured or incapacitated while in the confined space; and</p> <p>(d) ensure that the ventilation in the confined space is adequate to maintain safe atmospheric conditions.</p>	
<p>Entry Plan</p>	<p>Entry Plan</p>	
<p>289.(1) Where a worker will be required or permitted to enter a hazardous confined space, an employer, in consultation with the Committee, if it exists, shall develop a hazardous confined space entry plan to ensure the health and safety of workers who enter or work in the hazardous confined space.</p>	<p>289.(1) Where a worker will be required or permitted to enter a hazardous confined space, an employer, in consultation with the Committee, if it exists, shall develop a hazardous confined space entry plan to ensure the health and safety of workers who enter or work in the hazardous confined space.</p>	
<p>(2) A hazardous confined space entry plan must be in writing and must include</p> <p>(a) the tests or measurements necessary to monitor any oxygen deficiency or enrichment or the presence and hazardous concentration of flammable or explosive substances;</p> <p>(b) the identification of any other hazards that may be present in the hazardous confined space and may put the health or safety of workers at risk;</p> <p>(c) the means, if any, of isolating the hazardous confined space;</p> <p>(d) the means, if any, of ventilating the hazardous confined space;</p> <p>(e) the procedures to enter, work in and exit from the hazardous confined space safely;</p> <p>(f) the availability, location and proper</p>	<p>(2) A hazardous confined space entry plan must be in writing and must include</p> <p>(a) the tests or measurements necessary to monitor any oxygen deficiency or enrichment or the presence and hazardous concentration of flammable or explosive substances;</p> <p>(b) the identification of any other hazards that may be present in the hazardous confined space and may put the health or safety of workers at risk;</p> <p>(c) the means, if any, of isolating the hazardous confined space;</p> <p>(d) the means, if any, of ventilating the hazardous confined space;</p> <p>(e) the procedures to enter, work in and exit from the hazardous confined space safely;</p> <p>(f) the availability, location and proper</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Where there is a requirement for written safety plans for site specific hazards, how is this expected to be carried out in respect to maintenance of buildings when many contractors and workers will be in wide variety of buildings, wide variety of situations? • Will generic codes of practice be sufficient? • Suggestion: Clarify this item. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The GSRs refer to a generic “code of practice” but a more precise term would be a “confined space entry plan”. What is required is a confined space entry plan. • Multiple employers are dealt with in section 4. • Hazard assessments and the various

<p>use of personal protective equipment;</p> <p>(g) the rescue procedures to be followed, including the number and duties of personnel and the availability, location and proper use of equipment;</p> <p>(h) the means to maintain effective communication with a worker who has entered the hazardous confined space; and</p> <p>(i) the availability, location and proper use of any other equipment that a worker may need to work safely in the hazardous confined space.</p>	<p>use of personal protective equipment;</p> <p>(g) the rescue procedures to be followed, including the number and duties of personnel and the availability, location and proper use of equipment;</p> <p>(h) the means to maintain effective communication with a worker who has entered the hazardous confined space; and</p> <p>(i) the availability, location and proper use of any other equipment that a worker may need to work safely in the hazardous confined space.</p>	<p>plans required will be tailored to the types of work and hazards present at the work site.</p>
<p>(3) An employer shall ensure that the following workers are trained in and implement a hazardous confined space entry plan:</p> <p>(a) a worker who is required or permitted to enter the hazardous confined space;</p> <p>(b) a worker who attends a worker in the hazardous confined space pursuant to subsection 291(4) or subsection 291(5);</p> <p>(c) a worker who may be required or permitted to implement the rescue procedures referred to in paragraph (2)(g).</p>	<p>(3) An employer shall ensure that the following workers are trained in and implement a hazardous confined space entry plan:</p> <p>(a) a worker who is required or permitted to enter the hazardous confined space;</p> <p>(b) a worker who attends a worker in the hazardous confined space pursuant to subsection 291(4) or subsection 291(5);</p> <p>(c) a worker who may be required or permitted to implement the rescue procedures referred to in paragraph (2)(g).</p>	
<p>(4) An employer shall make a copy of a hazardous confined space entry plan readily available at the entrance to the hazardous confined space.</p>	<p>(4) An employer shall make a copy of a hazardous confined space entry plan readily available at the entrance to the hazardous confined space.</p>	
<p>Purging and Ventilating of Unsafe Atmosphere</p>	<p>Purging and Ventilating of Unsafe Atmosphere</p>	
<p>290. (1) In addition to the requirements of section 405, where a concentration of a toxic, flammable or explosive substance is present or an</p>	<p>290. (1) In addition to the requirements of section 405, where a concentration of a toxic, flammable or explosive substance is present or</p>	

<p>oxygen enrichment or deficiency exists in a hazardous confined space, an employer shall ensure that the hazardous confined space is</p> <ul style="list-style-type: none"> (a) purged and ventilated before a worker is allowed to enter the space, so that <ul style="list-style-type: none"> (i) any hazard associated with a toxic, flammable or explosive substance is reduced to the extent that is possible or eliminated, and (ii) an oxygen content of not less than 19.5% and not more than 23% is ensured; and (b) continuously ventilated at all times during which the worker occupies the hazardous confined space, to maintain a safe atmosphere. 	<p>an oxygen enrichment or deficiency exists in a hazardous confined space, an employer shall ensure that the hazardous confined space is</p> <ul style="list-style-type: none"> (a) purged and ventilated before a worker is allowed to enter the space, so that <ul style="list-style-type: none"> (i) any hazard associated with a toxic, flammable or explosive substance is reduced to the extent that is possible or eliminated, and (ii) an oxygen content of not less than 19.5% and not more than 23% is ensured; and (b) continuously ventilated at all times during which the worker occupies the hazardous confined space, to maintain a safe atmosphere. 	
<p>(2) Where ventilation is used to reduce or eliminate a hazard pursuant to subsection (1), an employer shall ensure that a competent person tests the atmosphere to determine that the confined space is safe for entry by a worker</p> <ul style="list-style-type: none"> (a) before a worker enters the confined space; (b) where all workers have vacated the confined space, before any worker re-enters the confined space; (c) on the request of a worker who is required or permitted to enter the confined space; and (d) continuously where any condition in the confined space may change and put the worker's health or safety at risk. 	<p>(2) Where ventilation is used to reduce or eliminate a hazard pursuant to subsection (1), an employer shall ensure that a competent person tests the atmosphere to determine that the confined space is safe for entry by a worker</p> <ul style="list-style-type: none"> (a) before a worker enters the confined space; (b) where all workers have vacated the confined space, before any worker re-enters the confined space; (c) on the request of a worker who is required or permitted to enter the confined space; and (d) continuously where any condition in the confined space may change and put the worker's health or safety at risk. 	
<p>Precautions Where Safe Atmosphere Not Possible</p>	<p>Precautions Where Safe Atmosphere Not Possible</p>	

<p>291.(1) Where a hazardous confined space cannot be purged and ventilated to provide a safe atmosphere or a safe atmosphere cannot be maintained pursuant to section 290, an employer shall ensure that no work is carried on in the confined space except in accordance with the requirements of this section and section 405.</p>	<p>291.(1) Where a hazardous confined space cannot be purged and ventilated to provide a safe atmosphere or a safe atmosphere cannot be maintained pursuant to section 290, an employer shall ensure that no work is carried on in the confined space except in accordance with the requirements of this section and section 405.</p>	
<p>(2) An employer shall ensure that a competent person continuously monitors the atmosphere in a hazardous confined space.</p>	<p>(2) An employer shall ensure that a competent person continuously monitors the atmosphere in a hazardous confined space.</p>	
<p>(3) An employer shall ensure that a worker is provided with and required to use a respiratory protective device that meets the requirements of Part 7 if</p> <ul style="list-style-type: none"> (a) the airborne concentration for any substance meets or exceeds the permissible contamination limit as set out pursuant to section 325; (b) oxygen deficiency or enrichment is detected; or (c) the airborne concentration of any other substance may be harmful to the worker. 	<p>(3) An employer shall ensure that a worker is provided with and required to use a respiratory protective device that meets the requirements of Part 7 if</p> <ul style="list-style-type: none"> (a) the airborne concentration for any substance meets or exceeds the permissible contamination limit as set out pursuant to section 325; (b) oxygen deficiency or enrichment is detected; or (c) the airborne concentration of any other substance may be harmful to the worker. 	
<p>(4) An employer shall ensure that a worker in a hazardous confined space is attended by and in communication with another worker who</p> <ul style="list-style-type: none"> (a) has been adequately trained in the rescue procedures referred to in paragraph 289(2)(g); (b) is stationed and remains at the entrance to the confined space unless replaced by another adequately trained worker; and (c) is equipped with a suitable alarm to summon assistance. 	<p>(4) An employer shall ensure that a worker in a hazardous confined space is attended by and in communication with another worker who</p> <ul style="list-style-type: none"> (a) has been adequately trained in the rescue procedures referred to in paragraph 289(2)(g); (b) is stationed and remains at the entrance to the confined space unless replaced by another adequately trained worker; and (c) is equipped with a suitable alarm to summon assistance. 	
<p>(5) If entrance to a hazardous confined space is from the top</p>	<p>(5) If entrance to a hazardous confined space is from the top</p>	

<p>(a) an employer shall ensure that</p> <ul style="list-style-type: none"> (i) a worker uses a full-body harness and, where appropriate, is attached to a lifeline, (ii) if a lifeline is used, the lifeline is attended by another worker who is adequately trained in the rescue procedures referred to in paragraph 289(2)(g), and (iii) where reasonably practicable, a mechanical lifting device is available to assist with a rescue and is located at the entry to the confined space while a worker is in the confined space; <p>or</p> <p>(b) an employer shall ensure that an alternate method of rescue is developed and implemented where the use of a full-body harness or lifeline would create an additional hazard.</p>	<p>(a) an employer shall ensure that</p> <ul style="list-style-type: none"> (i) a worker uses a full-body harness and, where appropriate, is attached to a lifeline, (ii) if a lifeline is used, the lifeline is attended by another worker who is adequately trained in the rescue procedures referred to in paragraph 289(2)(g), and (iii) where reasonably practicable, a mechanical lifting device is available to assist with a rescue and is located at the entry to the confined space while a worker is in the confined space; <p>or</p> <p>(b) an employer shall ensure that an alternate method of rescue is developed and implemented where the use of a full-body harness or lifeline would create an additional hazard.</p>	
<p>(6) Where any flammable or explosive dusts, gases, vapours or liquids are or may be present in a hazardous confined space, an employer shall ensure that all sources of ignition are eliminated or controlled.</p>	<p>(6) Where any flammable or explosive dusts, gases, vapours or liquids are or may be present in a hazardous confined space, an employer shall ensure that all sources of ignition are eliminated or controlled.</p>	
<p>(7) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) equipment necessary to rescue workers is readily available at the entrance to the hazardous confined space and used in accordance with the rescue procedures developed pursuant to paragraph 289(2)(g); (b) the holder of a Level 1 first aid qualification certificate is available to provide immediate first aid; and 	<p>(7) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) equipment necessary to rescue workers is readily available at the entrance to the hazardous confined space and used in accordance with the rescue procedures developed pursuant to paragraph 289(2)(g); (b) the holder of a Level 1 first aid qualification certificate is available to provide immediate first aid; and 	<p><u>Stakeholders:</u> present GSRs and MHSRs require SJA standard first aid with CPR or equivalent 16 hour course why lower our standard to level 1 it is only 8 hr course.</p> <p><u>Committee:</u> Part 5 has been revised and in particular the first aid requirements.</p> <p><u>Stakeholders:</u> re: (c) readily available does not mean without delay.</p>

<p>(c) personnel who are trained in the rescue procedures developed pursuant to paragraph 289(2)(g) and who are fully informed of the hazards in the confined space are readily available to assist in a rescue procedure.</p>	<p>(c) personnel who are trained in the rescue procedures developed pursuant to paragraph 289(2)(g) and who are fully informed of the hazards in the confined space are readily available to assist in a rescue procedure.</p>	<p><u>Committee</u>: Agree. There will always be a delay of some sort in response time as response cannot be instantaneous. The question is whether the delay is reasonable given the facts of the case.</p>
<p>Piping Discharging Hazardous Substances</p>	<p>Piping Discharging Hazardous Substances</p>	
<p>292. (1) Where a worker may be required or permitted to work in a confined space into which piping may discharge a hazardous substance, an employer shall ensure that the piping</p> <ul style="list-style-type: none"> (a) has a blank installed that is sized for the proper pressure in the piping before the piping enters the confined space; (b) is equipped with two blocking valves and a bleed-off valve installed between the blocking valves located so that any bleed off does not contaminate the confined space; or (c) is equipped with an approved safety device. 	<p>292. (1) Where a worker may be required or permitted to work in a confined space into which piping may discharge a hazardous substance, an employer shall ensure that the piping</p> <ul style="list-style-type: none"> (a) has a blank installed that is sized for the proper pressure in the piping before the piping enters the confined space; (b) is equipped with two blocking valves and a bleed-off valve installed between the blocking valves located so that any bleed off does not contaminate the confined space; or (c) is equipped with an approved safety device. 	<p><u>Stakeholders</u>: Guidelines on isolating gravity flow sewer systems would be helpful.</p> <p><u>Committee</u>: This level of detail is technical in nature and a code of practice (which adopts standards) is suited for it. It should be noted that exposure to effluent may be unavoidable. If that happens the employer has responsibilities elsewhere in these regulations to protect the worker, for instance through the use of PPE, the availability of showers etc.</p> <p><u>Stakeholders</u>: If isolation using the measures specified in this section is not practicable, does WSCC accept alternate measures?</p> <p><u>Committee</u>: Paragraph (c) allows for other safety devices that are approved.</p>
<p>(2) Where piping is equipped with two blocking valves and a bleed-off valve pursuant to paragraph (1)(b) or an approved safety device pursuant to paragraph (1)(c), an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the valves in the flow lines are locked out in the "closed" position and the bleed-off valve is locked out in the "open" position; (b) the valves are tagged to indicate that the valves must not be 	<p>(2) Where piping is equipped with two blocking valves and a bleed-off valve pursuant to paragraph (1)(b) or an approved safety device pursuant to paragraph (1)(c), an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the valves in the flow lines are locked out in the "closed" position and the bleed-off valve is locked out in the "open" position; (b) the valves are tagged to indicate that the valves must not be 	

<p>activated until the tags have been removed by a worker designated by the employer for that purpose; and</p> <p>(c) the worker designated pursuant to paragraph (b)</p> <p>(i) monitors the valves to ensure that they are not activated while a worker is in the confined space, and</p> <p>(ii) records on the tag referred to in paragraph (b) the date and time of each monitoring and signs the tag each time the worker monitors the valves.</p>	<p>activated until the tags have been removed by a worker designated by the employer for that purpose; and</p> <p>(c) the worker designated pursuant to paragraph (b)</p> <p>(i) monitors the valves to ensure that they are not activated while a worker is in the confined space, and</p> <p>(ii) records on the tag referred to in paragraph (b) the date and time of each monitoring and signs the tag each time the worker monitors the valves.</p>	
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<p style="text-align: center;">PART 19 WORK IN COMPRESSED AIR</p>	<p style="text-align: center;">PART 19 WORK IN COMPRESSED OR RAREFIED AIR</p>	<p><u>Stakeholders:</u></p> <ul style="list-style-type: none"> • Can we get confirmation that negative pressure isolation rooms, operating rooms and CSR's fall under this Part? • Why and for what work do we need it? If it is for underground tunnel work then it is/should also be governed by MHSA and MHSRs. <p><u>Committee:</u></p> <ul style="list-style-type: none"> • If negative pressure isolation rooms, operating rooms are work sites, then they fall under this Part. References to "rarefied" air added. This is not a departure from Canadian legislation (i.e. Saskatchewan) other than reference is made to rarefied atmospheres. This is consistent with the tables in those jurisdictions. • MHSA and MHSRs have no application outside of mines. The OHS Regulations have no application in mines. Examples - bariatric medicine, work inside caissons etc.
<p style="text-align: center;">Interpretation</p>	<p style="text-align: center;">Interpretation</p>	
<p>293. In this Part,</p> <p>“airlock” means a chamber designed for the passage of persons or materials from one place to a place with a different air pressure;</p> <p>“compressed air” means air that is mechanically raised to a pressure higher than 15 kPa above atmospheric pressure;</p> <p>“medical lock” means a chamber in which persons may be subjected to changes in air</p>	<p>293. In this Part,</p> <p>“airlock” means a chamber designed for the passage of persons or materials from one place to a place with a different air pressure;</p> <p>“compressed air” means air that is mechanically raised to a pressure higher than 15 kPa above standard atmospheric pressure;</p> <p>“medical lock” means a chamber in which persons may be subjected to changes in air</p>	<p><u>Stakeholders:</u> re: compressed air 2 psi or about 3800 feet or 1170 metres working below ground in air or about 4.6 ft or 1.4 m below water what is the maximum pressure.</p> <p><u>Committee:</u> Typically at sea level the pressure is 1 atm or about 101.325 kPa varying depending upon weather and the weight of the column of air (varies with altitude/depth). Note however that the air must be mechanically raised to a higher pressure or lowered to a lower pressure. Diving work is probably outside the scope of this</p>

<p>pressure for medical purposes;</p> <p>“working chamber” means the part of a project under construction that is used for work in compressed air, but does not include an airlock or medical lock.</p>	<p>pressure for medical purposes;</p> <p>"rarefied air" means air that is mechanically lowered to a pressure lower than 15 kPa below standard atmospheric pressure;</p> <p>"standard atmospheric pressure" means atmospheric pressure of 101.325 kPa or 1 atm;</p> <p>“working chamber” means the part of a project under construction that is used for work in compressed air, but does not include an airlock or medical lock.</p>	<p>Part (unless it is inside a pressurized vessel such as a bathyscaphe).</p>
<p>Application of Part</p>	<p>Application of Part</p>	
<p>294.This Part applies to work performed in compressed air, but does not apply to divers or persons working in diving bells.</p>	<p>294.This Part applies to work performed in compressed or rarefied air, but does not apply to divers or persons working in diving bells.</p>	<p><u>Stakeholders</u>: This is not diving or diving bell what work would be performed and why would this be any different than work in a confined space and therefore it must comply with the confined space requirements.</p> <p><u>Committee</u>: Work in a confined space is not necessarily work in compressed air.</p>
<p>Before Work in Compressed Air Begins</p>	<p>Before Work in Compressed or Rarefied Air Begins</p>	
<p>295. (1) At least 30 days before beginning work in compressed air, an employer shall</p> <ul style="list-style-type: none"> (a) give notice in writing to the Chief Safety Officer of the nature and location of the work; and (b) provide the Chief Safety Officer with copies of the certificates of a professional engineer who is competent in construction work carried out in compressed air and a medical practitioner who is competent in hyperbaric medicine. 	<p>295. (1) At least 30 days before beginning work in compressed or rarefied air, an employer shall</p> <ul style="list-style-type: none"> (a) give notice in writing to the Chief Safety Officer of the nature and location of the work; and (b) provide the Chief Safety Officer with copies of the certificates of a professional engineer who is competent in construction work carried out in compressed air or rarefied air and a medical professional who is competent in hyperbaric or hypobaric medicine. 	<p><u>Stakeholder</u>:</p> <ul style="list-style-type: none"> • This doesn't make sense from a practical, operational sense ... Is it meant to apply to other areas, such as mines and airlines? • We won't always be able to provide 30 days notice of a patient (and therefore workers) requiring to be in compressed air room. • Is this notification required every time the room is used? <p><u>Committee</u>:</p>

		<ul style="list-style-type: none"> • Mines and airlines fall under the <i>Mine Health and Safety Act</i> or federal jurisdiction (i.e. <i>Canada Labour Code</i>). • A medical facility can provide notice to the CSO under this subsection 30 days before working with compressed or rarefied air. If it cannot subsection (4) can be relied upon and applied. The CSO may give a waiver or may authorize the notice as a matter of routine.
<p>(2) The certificates required by subsection (1) must</p> <p>(a) certify that the design of the compressed air installation and its components, including any airlock, medical lock, bulkhead, door and working chamber, the air supply system, the control system and the emergency facilities, are suitable and adequate to provide a healthy and safe work environment; and</p> <p>(b) contain a statement of conditions and procedures that are necessary to ensure the health and safety of workers employed in the compressed air installation.</p>	<p>(2) The certificates required by subsection (1) must</p> <p>(a) certify that the design of the compressed air or rarefied air installation and its components, including any airlock, medical lock, bulkhead, door and working chamber, the air supply system, the control system and the emergency facilities, are suitable and adequate to provide a healthy and safe work environment; and</p> <p>(b) contain a statement of conditions and procedures that are necessary to ensure the health and safety of workers employed in the compressed air or rarefied air installation.</p>	
<p>(3) An employer shall ensure that any work in a compressed air installation is performed in accordance with the conditions and procedures contained in the certificates required by subsection (1).</p>	<p>(3) An employer shall ensure that any work in a compressed air or rarefied air installation is performed in accordance with the conditions and procedures contained in the certificates required by subsection (1).</p>	
	<p>(4) Notwithstanding subsection (1), where it is not reasonably possible, as a matter of routine, for an employer to give the notice required under subsection (1) or (2), the Chief Safety</p>	<p><u>Committee</u>: This subsection added. It is drafted along the lines of s. 7(5) and is a similar sort of problem.</p>

	Officer may waive the application of this section.	
Workers in Working Chamber	Workers in Working Chamber	
296. (1) Where workers are employed in a working chamber, an employer shall ensure that <ul style="list-style-type: none"> (a) emergency procedures, including decompression procedures, have been developed that are adequate to prevent worker ill health; (b) the workers are fully trained in the emergency procedures required by paragraph (a); (c) the workers are regularly monitored by a medical professional; and (d) a competent supervisor is appointed and given the authority and resources necessary to protect the health and safety of workers in the working chamber. 	296. (1) Where workers are employed in a working chamber, an employer shall ensure that <ul style="list-style-type: none"> (a) emergency procedures, including decompression or compression procedures, have been developed that are adequate to prevent worker ill health; (b) the workers are fully trained in the emergency procedures required by paragraph (a); (c) the workers are regularly monitored by a medical professional; and (d) a competent supervisor is appointed and given the authority and resources necessary to protect the health and safety of workers in the working chamber. 	
(2) A worker who is monitored by a medical professional pursuant to paragraph (1)(c) shall comply with any requirement that the medical professional considers necessary to prevent or treat ill health caused by working in compressed air.	(2) A worker who is monitored by a medical professional pursuant to paragraph (1)(c) shall comply with any requirement that the medical professional considers necessary to prevent or treat ill health caused by working in compressed air or rarefied air.	
(3) An employer shall ensure that the emergency procedures required by paragraph (1)(a) are implemented in an emergency.	(3) An employer shall ensure that the emergency procedures required by paragraph (1)(a) are implemented in an emergency.	
Standards for Air	Standards for Air	
297. An employer shall ensure that <ul style="list-style-type: none"> (a) the air supplied by a compressor plant for use in a working chamber, airlock or medical lock meets the requirements of the Canadian Standards Association standard CAN3-Z180.1-M85 <i>Compressed Breathing Air and Systems</i>, as 	297. An employer shall ensure that <ul style="list-style-type: none"> (a) the air supplied by a compressor plant for use in a working chamber, airlock or medical lock meets the requirements of the Canadian Standards Association standard CAN3-Z180.1-M85 <i>Compressed Breathing Air and Systems</i>, as 	Stakeholders: <ul style="list-style-type: none"> • re: para (b) no requirement for CO monitoring what happens if there is a fire or problem with the compressor plus the NT's coroner's requirement regarding CO monitoring of breathing air lines.

<p>amended from time to time;</p> <p>(b) the air intake for a compressor plant that supplies air to a working chamber, an airlock or a medical lock is located so as to prevent the entry of exhaust gases from internal combustion engines, gasoline fumes or other contaminants; and</p> <p>(c) the air supplied to a working chamber, airlock or medical lock is kept, as far as is practicable, between 10° and 27° Celsius.</p>	<p>amended from time to time;</p> <p>(b) the air intake for a compressor plant that supplies air to a working chamber, an airlock or a medical lock is located so as to prevent the entry of exhaust gases from internal combustion engines, gasoline fumes or other contaminants; and</p> <p>(c) the air supplied to a working chamber, airlock or medical lock is kept, as far as is practicable, between 10° and 27° C.</p>	<p><u>Committee:</u></p> <ul style="list-style-type: none"> • The Chief Coroner is not empowered to make regulations under the <i>Safety Act</i>. • Should a compressor fail, the matter is like any other in that equipment has failed and an unsafe work site exists. The employer has a legal duty to correct that situation immediately. It is up to the employer how to carry out the correction (SCBA, replace the compressor with a back-up compressor, cease work etc.). • CO is covered by exposure provisions (section 95, Part 7 (PPE), section 73 (asphyxia) and Part 21 (Chemical and Biological Substances TLVs sections 325 and 327, CAS 630-08-0).
<p>Maximum Air Pressure</p>	<p>Maximum Air Pressure</p>	
<p>298. An employer shall ensure that the air pressure in a working chamber does not exceed 350 kPa for more than five minutes except when it is necessary for the safety of workers in an emergency.</p>	<p>298. An employer shall ensure that the air pressure in a working chamber</p> <p>(a) does not exceed 350 kPa for more than five minutes except when it is necessary for the safety of workers in an emergency; and</p> <p>(b) is not less than 30 kPa for more than five minutes except when it is necessary for the safety of workers in an emergency.</p>	<p><u>Stakeholders:</u> 50 psi?</p> <p><u>Committee:</u> Metric is used. Subparagraph (b) added to deal with hypobaric situations.</p>
<p>Working Periods and Rest Periods</p>	<p>Working Periods and Rest Periods</p>	
<p>299. (1) In this section,</p> <p>“column” means a column in Schedule P;</p> <p>“rest period” means a period during a worker’s hours of work that immediately follows a working period and in which the worker is at normal atmospheric pressure, and may include time</p>	<p>299. (1) In this section,</p> <p>“column” means a column in Schedule P;</p> <p>“rest period” means a period during a worker’s hours of work that immediately follows a working period and in which the worker is at standard atmospheric pressure, and may include time</p>	<p><u>Stakeholders:</u> re: rest period the worker will not be at normal atmospheric pressure in the air lock only at the start going in and at the end coming out. Stakeholder suggests adding the word "depressurizing" after "airlock" in the definition of "rest period".</p> <p><u>Committee:</u> The presence of the worker in the</p>

<p>spent by the worker in an airlock after a working period;</p> <p>“working day” means a period of 24 consecutive hours;</p> <p>“working period” means a period in which a worker works in compressed air.</p>	<p>spent by the worker in an airlock after a working period;</p> <p>“working day” means a period of 24 consecutive hours;</p> <p>“working period” means a period in which a worker works in compressed air or rarefied air.</p>	<p>airlock is after the working period (in compressed air). Why would the worker be in the airlock if not for the purposes of "depressurizing"? The addition of the term is not needed.</p>
<p>(2) An employer shall ensure that</p> <p>(a) a worker who works in compressed air is not required or permitted to work more than two working periods in one working day;</p> <p>(b) the total number of hours in the two working periods of a worker's working day does not exceed the number of hours set out in column 2;</p> <p>(c) a worker's first working period in a working day does not exceed the number of hours set out in column 3;</p> <p>(d) after the first working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 4;</p> <p>(e) a worker's second working period in a working day does not exceed the number of hours set out in column 5; and</p> <p>(f) after the second working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 6.</p>	<p>(2) An employer shall ensure that</p> <p>(a) a worker who works in compressed air is not required or permitted to work more than two working periods in one working day;</p> <p>(b) the total number of hours in the two working periods of a worker's working day does not exceed the number of hours set out in column 2;</p> <p>(c) a worker's first working period in a working day does not exceed the number of hours set out in column 3;</p> <p>(d) after the first working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 4;</p> <p>(e) a worker's second working period in a working day does not exceed the number of hours set out in column 5; and</p> <p>(f) after the second working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 6.</p>	<p><u>Stakeholders</u>: needs clarification as the total of the columns including rest periods is greater than column 2's amount Suggests adding after "working day" ",not including the rest periods."</p> <p><u>Committee</u>: "working period" is a defined term and it is mutually exclusive with "rest period".</p> <p>The first row in Schedule P however deals with rarefied air, not compressed air. This Part has been adjusted to accommodate rarefied air.</p> <p><u>Stakeholders</u>: re: para (d) needs clarification for according to the definition this rest period is at normal atmospheric pressure that means leaving the compressed work area depressurizing/pressurizing</p> <p><u>Committee</u>: "rest period" is a defined term that requires the rest period to be at normal atmospheric pressure in the consultation draft and standard atmospheric pressure in the revised draft.</p>
<p>(3) An employer shall ensure that no worker</p>	<p>(3) An employer shall ensure that no worker</p>	<p><u>Stakeholders</u>: total no. of hrs noted in column 3</p>

<p>is required or permitted to perform manual work, engage in physical exertion or leave the work site during a rest period.</p>	<p>is required or permitted to perform manual work, engage in physical exertion or leave the work site during a rest period.</p>	<p>to 6 is 9 hrs and does not include the hours it takes to pressurize the person to work under pressure is the person required to come to surface or atmospheric pressure for lunch after his first work period and what type of equipment is used underground/ in the work area electric, diesel, air operated, explosives...</p> <p><u>Committee:</u> This Part deals with the hazard posed by compressed air. The type of equipment used in a compressed air environment is not relevant to this Part. It is covered under other Parts. Schedule P, columns 2,3 and 5, concern work periods. The summation of all rows in Column 3 is meaningless.</p> <p>Keep in mind the definition at section 293:</p> <p>“compressed air” means air that is mechanically raised to a pressure higher than 15 kPa above atmospheric pressure;</p> <p>"Atmospheric pressure" is an undefined term. What is probably meant is "standard atmospheric pressure" which is an international unit of 1 atmosphere (1 atm) and is 101.325 kPa. This is a better term than "normal atmospheric pressure". The atmospheric pressure on top of Mount Everest is normal but it is less than 96 kPa roughly 30 kPa.</p>
<p>PART 20 DIVING OPERATIONS</p>	<p>PART 20 DIVING OPERATIONS</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>300. In this Part, “atmospheric pressure” means the atmospheric pressure at the surface of the body of water in which a diving operation is conducted;</p>	<p>300. In this Part, “atmospheric pressure” means the atmospheric pressure at the surface of the body of water in which a diving operation is conducted;</p>	<p><u>Stakeholders:</u> re: "diving base" if it is not at the dive site how far away may the support site be Toronto?</p>

<p>“bail-out system” means an independent breathing gas supply of sufficient quantity to return a diver to the surface, to a diving bell or to an emergency supply in the event of a malfunction of the primary breathing gas supply system;</p> <p>“bottom time” means the total elapsed time, measured in minutes, from the time a descending diver leaves the surface of the water to the time the diver begins final ascent;</p> <p>“breathing gas” means air or mixed gas;</p> <p>“buddy system” means the system described in section 316;</p> <p>“Class A hyperbaric chamber” means a hyperbaric chamber that meets the requirements for a Class A hyperbaric chamber as set out in Canadian Standards Association standard Z275.1-05 <i>Hyperbaric Facilities</i>, as amended from time to time;</p> <p>“control system” means a manual, remote, automatic or partially automatic system for controlling the operation of equipment;</p> <p>“decompression limit” means the point in the descent of a diver, based on the depth and duration of the dive and determined in accordance with a decompression table, beyond which the diver will require one or more decompression stops during ascent if the diver descends further;</p> <p>“decompression schedule” means the procedure</p>	<p>“bail-out system” means an independent breathing gas supply of sufficient quantity to return a diver to the surface, to a diving bell or to an emergency supply in the event of a malfunction of the primary breathing gas supply system;</p> <p>“bottom time” means the total elapsed time, measured in minutes, from the time a descending diver leaves the surface of the water to the time the diver begins final ascent;</p> <p>“breathing gas” means air or mixed gas;</p> <p>“buddy system” means the system described in section 316;</p> <p>“Class A hyperbaric chamber” means a hyperbaric chamber that meets the requirements for a Class A hyperbaric chamber as set out in Canadian Standards Association standard Z275.1-05 <i>Hyperbaric Facilities</i>, as amended from time to time;</p> <p>“control system” means a manual, remote, automatic or partially automatic system for controlling the operation of equipment;</p> <p>“decompression limit” means the point in the descent of a diver, based on the depth and duration of the dive and determined in accordance with a decompression table, beyond which the diver will require one or more decompression stops during ascent if the diver descends further;</p> <p>“decompression schedule” means the procedure</p>	<p><u>Committee</u>: The requirements of a diving base are set out in s. 310; to satisfy these requirements the base must be as close as reasonably possible to the dive site.</p>
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<p>derived from a decompression table that a diver follows during ascent from a depth in order to minimize the risk of decompression sickness;</p> <p>“decompression sickness” means a condition caused by the formation of gas bubbles in the blood or body tissue as a result of the reduction of pressure on the body;</p> <p>“decompression table” means a table referred to in section 302;</p> <p>“diving base” means a location, other than a dive site, from which logistical support to a diving operation is rendered;</p> <p>“diving operation” means any form of diving by a worker;</p> <p>“dive site” means the location at the surface of the water at which a diver enters the water at the beginning of a dive and to which the diver intends to return on ascent;</p> <p>“diver” means a competent worker who performs underwater work;</p> <p>“diver’s tender” means a worker who monitors the dive of a diver and who is competent in the operation of diving apparatus being used for a dive, the diving operation in progress and the emergency diving procedures and signals to be used between diver and diver’s tender;</p> <p>“diving supervisor” means a competent person who has complete responsibility for a diving operation, including responsibility for the health and safety of all diving personnel;</p>	<p>derived from a decompression table that a diver follows during ascent from a depth in order to minimize the risk of decompression sickness;</p> <p>“decompression sickness” means a condition caused by the formation of gas bubbles in the blood or body tissue as a result of the reduction of pressure on the body;</p> <p>“decompression table” means a table referred to in section 302;</p> <p>“diving base” means a location, other than a dive site, from which logistical support to a diving operation is rendered;</p> <p>“diving operation” means any form of diving by a worker;</p> <p>“dive site” means the location at the surface of the water at which a diver enters the water at the beginning of a dive and to which the diver intends to return on ascent;</p> <p>“diver” means a competent worker who performs underwater work;</p> <p>“diver’s tender” means a worker who monitors the dive of a diver and who is competent in the operation of diving apparatus being used for a dive, the diving operation in progress and the emergency diving procedures and signals to be used between diver and diver’s tender;</p> <p>“diving supervisor” means a competent person who has complete responsibility for a diving operation, including responsibility for the health and safety of all diving personnel;</p>	
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<p>“dressed-in” means fully equipped to dive and ready to enter the water, with all life support and communications equipment tested and at hand, but not necessarily with the helmet, face plate or face mask in place;</p> <p>“free swimming diving” means diving while using scuba with the diver supervised but not tethered to the surface by a lifeline or float;</p> <p>“hyperbaric chamber” means a pressure vessel and associated equipment that are designed for the purpose of subjecting persons to pressures greater than atmospheric pressures;</p> <p>“lifeline” means a line of manila rope that is 19 mm in diameter and has a breaking strength of not less than, 8.9 kN or material of equivalent or greater strength, secured at the surface to a substantial anchorage;</p> <p>“mixed gas” means a respirable breathing mixture, other than air, that provides adequate oxygen to support life and does not cause excessive breathing resistance, impairment of neurological functions or other detrimental physiological effects;</p> <p>“scuba” means a self-contained underwater breathing apparatus, and includes self-contained open-circuit compressed air breathing apparatus;</p> <p>“standby diver” means a diver who is</p> <ul style="list-style-type: none"> (a) available at a dive site to give assistance to a submerged diver in the event of an emergency, (b) dressed-in, and 	<p>“dressed-in” means fully equipped to dive and ready to enter the water, with all life support and communications equipment tested and at hand, but not necessarily with the helmet, face plate or face mask in place;</p> <p>“free swimming diving” means diving while using scuba with the diver supervised but not tethered to the surface by a lifeline or float;</p> <p>“hyperbaric chamber” means a pressure vessel and associated equipment that are designed for the purpose of subjecting persons to pressures greater than atmospheric pressures;</p> <p>“lifeline” means a line of manila rope that is 19 mm in diameter and has a breaking strength of at least-8.9 kN or material of equivalent or greater strength, secured at the surface to a substantial anchorage;</p> <p>“mixed gas” means a respirable breathing mixture, other than air, that provides adequate oxygen to support life and does not cause excessive breathing resistance, impairment of neurological functions or other detrimental physiological effects;</p> <p>“scuba” means a self-contained underwater breathing apparatus, and includes self-contained open-circuit compressed air breathing apparatus;</p> <p>“standby diver” means a diver who is</p> <ul style="list-style-type: none"> (a) available at a dive site to give assistance to a submerged diver in the event of an emergency, (b) dressed-in, and 	
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<p>(c) trained and equipped to operate at the depths and in the circumstances in which the submerged diver is operating;</p> <p>“surface crew” includes the minimum crew under section 305, the diving supervisor, standby diver and diver’s tender;</p> <p>“surface supply diving” means a mode of diving in which a diver is supplied from the dive site with a breathing gas by way of an umbilical;</p> <p>“therapeutic recompression” means treatment of a diver for decompression sickness, usually in a hyperbaric chamber;</p> <p>“umbilical” means a life support hose bundle comprising a composite hose and cable, or separate hoses and cables, that</p> <ul style="list-style-type: none"> (a) extends from the surface to a diver or to a submersible chamber occupied by a diver, and (b) supplies breathing gas, power, heat and communication to the diver; <p>“vessel” means a vessel as defined in the <i>Collision Regulations</i> made under the <i>Canada Shipping Act</i> .</p>	<p>(c) trained and equipped to operate at the depths and in the circumstances in which the submerged diver is operating;</p> <p>“surface crew” includes the minimum crew under section 305, the diving supervisor, standby diver and diver’s tender;</p> <p>“surface supply diving” means a mode of diving in which a diver is supplied from the dive site with a breathing gas by way of an umbilical;</p> <p>“therapeutic recompression” means treatment of a diver for decompression sickness, usually in a hyperbaric chamber;</p> <p>“umbilical” means a life support hose bundle comprising a composite hose and cable, or separate hoses and cables, that</p> <ul style="list-style-type: none"> (a) extends from the surface to a diver or to a submersible chamber occupied by a diver, and (b) supplies breathing gas, power, heat and communication to the diver; <p>“vessel” means a vessel as defined in the <i>Collision Regulations</i> made under the <i>Canada Shipping Act</i>.</p>	
<p>Competent Workers</p>	<p>Competent Workers</p>	
<p>301.An employer shall ensure that only competent workers are required or permitted to perform underwater diving operations.</p>	<p>301.An employer shall ensure that only competent workers are required or permitted to perform underwater diving operations.</p>	<p><u>Stakeholders</u>: believe this should be qualified rather than competent diver must have a diving certificate</p> <p><u>Committee</u>: "qualified" has a defined meaning in s. 1. If "qualified" is used it will exclude all workers who are being trained. "competent</p>

		worker" also is a defined term in s. 1. The draft is fine.
Standards	Standards	
302. An employer shall ensure that all diving operations, repetitive dives and treatments of divers are carried out in strict accordance with decompression tables and procedures published or approved by the Defence Research and Development Canada, Toronto (formerly known as Defence and Civil Institute of Environmental Medicine) or another entity approved by the Chief Safety Officer.	302. An employer shall ensure that all diving operations, repetitive dives and treatments of divers are carried out in strict accordance with decompression tables and procedures published or approved by the Defence Research and Development Canada, Toronto (formerly known as Defence and Civil Institute of Environmental Medicine) or another entity approved by the Chief Safety Officer.	
Medical Examination	Medical Examination	
303. (1) An employer who employs a diver shall ensure that the diver has a comprehensive medical examination conducted by a medical professional at least once every 12 months.	303. (1) An employer who employs a diver shall ensure that the diver has a comprehensive medical examination conducted by a medical professional at least once every 12 months.	
(2) The medical examination referred to in subsection (1) must be in accordance with the criteria set forth in Appendices A and B of Canadian Standards Association standard CAN/CSA-Z275.2-92 <i>Occupational Safety Code for Diving Operations</i> , as amended from time to time.	(2) The medical examination referred to in subsection (1) must be in accordance with the criteria set forth in Appendices A and B of Canadian Standards Association standard CAN/CSA-Z275.2-92 <i>Occupational Safety Code for Diving Operations</i> , as amended from time to time.	
(3) No diver shall dive unless the diver has been certified by the medical professional referred to in subsection (1) to be free of any medical condition that would make unsafe the performance of the type of dive to be carried out.	(3) No diver shall dive unless the diver has been certified by the medical professional referred to in subsection (1) to be free of any medical condition that would make unsafe the performance of the type of dive to be carried out.	
(4) A diver shall (a) provide the employer with a copy of the certification referred to in subsection (3); and (b) place the original certification in the diver's personal log kept pursuant to section 315.	(4) A diver shall (a) provide the employer with a copy of the certification referred to in subsection (3); and (b) place the original certification in the diver's personal log kept pursuant to section 315.	

<p>(5) An employer shall</p> <ul style="list-style-type: none"> (a) ensure that no diver is required or permitted to dive unless the diver furnishes the employer with a copy of the certification that has been obtained within the preceding 12 months; (b) retain the copy of the certification while the diver is employed by the employer; and (c) ensure that every diver employed by the employer is competent in the use of any diving apparatus that the diver will be required to use in a diving operation. 	<p>(5) An employer shall</p> <ul style="list-style-type: none"> (a) ensure that no diver is required or permitted to dive unless the diver furnishes the employer with a copy of the certification that has been obtained within the preceding 12 months; (b) retain the copy of the certification while the diver is employed by the employer; and (c) ensure that every diver employed by the employer is competent in the use of any diving apparatus that the diver will be required to use in a diving operation. 	
<p>Diving Supervisor</p>	<p>Diving Supervisor</p>	
<p>304. An employer shall</p> <ul style="list-style-type: none"> (a) ensure that a diving operation is conducted under the direction of a diving supervisor; and (b) give to the diving supervisor all the information and resources necessary to protect the health and safety of every diver under the supervisor's direction. 	<p>304. An employer shall</p> <ul style="list-style-type: none"> (a) ensure that a diving operation is conducted under the direction of a diving supervisor; and (b) give to the diving supervisor all the information and resources necessary to protect the health and safety of every diver under the supervisor's direction. 	
<p>Minimum Crew</p>	<p>Minimum Crew</p>	
<p>305. An employer shall ensure that workers are present in a sufficient number for a diving operation to ensure that the operation can be undertaken safely.</p>	<p>305. An employer shall ensure that workers are present in a sufficient number for a diving operation to ensure that the operation can be undertaken safely.</p>	
<p>Standby Diver</p>	<p>Standby Diver</p>	
<p>306. (1) An employer shall ensure that a standby diver is present at all times when diving operations are in progress.</p>	<p>306. (1) An employer shall ensure that a standby diver is present at all times when diving operations are in progress.</p>	
<p>(2) An employer shall not require or permit a standby diver to dive except in the case of emergency.</p>	<p>(2) An employer shall not require or permit a standby diver to dive except in the case of emergency.</p>	

Diver's Tender	Diver's Tender	
307. An employer shall ensure that (a) a diver's tender acceptable to the diver is provided for each diver in the water during a diving operation; and (b) the diver's tender devotes his or her whole time and attention to the work as a diver's tender.	307. An employer shall ensure that (a) a diver's tender acceptable to the diver is provided for each diver in the water during a diving operation; and (b) the diver's tender devotes his or her whole time and attention to the work as a diver's tender.	
Breathing Gas	Breathing Gas	
308. (1) Subject to subsection (2), where air is used as the breathing gas, an employer shall ensure that (a) the air is clean and wholesome and supplied in adequate quantity; and (b) a reserve supply of 2.5 times the air required for the operation is supplied.	308. (1) Subject to subsection (2), where air is used as the breathing gas, an employer shall ensure that (a) the air is clean and wholesome and supplied in adequate quantity; and (b) a reserve supply of 2.5 times the air required for the operation is supplied.	
(2) An employer shall ensure that any air or mixed gas used as the breathing gas meets the approved standard for composition and purity requirements.	(2) An employer shall ensure that any air or mixed gas used as the breathing gas meets the approved standard for composition and purity requirements.	
(3) Where a mixed gas is used as the breathing gas, an employer shall ensure that the decompression procedures, schedules and tables used are appropriate for the mixed gas.	(3) Where a mixed gas is used as the breathing gas, an employer shall ensure that the decompression procedures, schedules and tables used are appropriate for the mixed gas.	
Diving Equipment	Diving Equipment	
309. An employer shall ensure that all diving equipment, including breathing apparatus, compressor, compressed gas cylinder, gas control valve, pressure gauge, reserve supply device, piping, helmet, winch, cable, diving bell or stage and every other accessory necessary for the safe conduct of the diving operation, is (a) of an approved design, sound construction, adequate strength and free from obvious defect;	309. An employer shall ensure that all diving equipment, including breathing apparatus, compressor, compressed gas cylinder, gas control valve, pressure gauge, reserve supply device, piping, helmet, winch, cable, diving bell or stage and every other accessory necessary for the safe conduct of the diving operation, is (a) of an approved design, sound construction, adequate strength and free from obvious defect;	

<ul style="list-style-type: none"> (b) maintained in a condition that will ensure the equipment's continuing operating integrity and suitability for the equipment's use; (c) adequately protected against malfunction at low temperatures that may be caused by ambient air or water or by the expansion of gas; and (d) examined, tested, overhauled and repaired in accordance with the manufacturer's recommended procedure. 	<ul style="list-style-type: none"> (b) maintained in a condition that will ensure the equipment's continuing operating integrity and suitability for the equipment's use; (c) adequately protected against malfunction at low temperatures that may be caused by ambient air or water or by the expansion of gas; and (d) examined, tested, overhauled and repaired in accordance with the manufacturer's recommended procedure. 	
<p>Diving Base</p>	<p>Diving Base</p>	
<p>310. (1) An employer shall not allow any diving operation to proceed, unless a diving base is set up before and maintained during the diving operation.</p>	<p>310. (1) An employer shall not allow any diving operation to proceed, unless a diving base is set up before and maintained during the diving operation.</p>	<p><u>Stakeholders</u>: diving base comment</p> <p><u>Committee</u>: See comments in section 300.</p>
<p>(2) While a diving operation is in progress, an employer shall ensure that the diving base is equipped with the following:</p> <ul style="list-style-type: none"> (a) if scuba is being used, one complete spare set of underwater breathing apparatus with fully charged cylinders to be used for emergency purposes only; (b) an adequate quantity of oxygen for therapeutic purposes; (c) one shot-line of weighted 19 mm manila of sufficient length to reach the bottom at the maximum depth of water at the dive site; (d) a first aid kit that is appropriate for the number of workers and the work site; (e) one complete set of decompression tables; 	<p>(2) While a diving operation is in progress, an employer shall ensure that the diving base is equipped with the following:</p> <ul style="list-style-type: none"> (a) if scuba is being used, one complete spare set of underwater breathing apparatus with fully charged cylinders to be used for emergency purposes only; (b) an adequate quantity of oxygen for therapeutic purposes; (c) one shot-line of weighted 19 mm manila of sufficient length to reach the bottom at the maximum depth of water at the dive site; (d) a first aid kit that is appropriate for the number of workers and the work site; (e) one complete set of decompression tables; 	

<ul style="list-style-type: none"> (f) a suitable heated facility for the use of divers that is located on or as near as possible to the dive site; (g) any other equipment that may be necessary to protect the health and safety of a worker. 	<ul style="list-style-type: none"> (f) a suitable heated facility for the use of divers that is located on or as near as possible to the dive site; (g) any other equipment that may be necessary to protect the health and safety of a worker. 	
<p>Hyperbaric Chamber</p>	<p>Hyperbaric Chamber</p>	
<p>311. An employer shall ensure that a Class A hyperbaric chamber in operable condition is on site where</p> <ul style="list-style-type: none"> (a) a dive is planned that may exceed the decompression limit; or (b) the depth of a dive is greater than 50 m. 	<p>311. An employer shall ensure that a Class A hyperbaric chamber in operable condition is on site where</p> <ul style="list-style-type: none"> (a) a dive is planned that may exceed the decompression limit; or (b) the depth of a dive is greater than 50 m. 	<p><u>Stakeholders:</u> 71 psi</p> <p><u>Committee:</u> This is about 496 kPa or 4.9 atm. The metric system (SI) is to be used as required under the <i>Weights and Measures Act</i> (Canada). See discussion on metric system at page 10.</p>
<p>312. Where a diver dives from a vessel,</p> <ul style="list-style-type: none"> (a) the diver shall use a lifeline; and (b) an employer shall ensure that the diver uses a lifeline. 	<p>312. Where a diver dives from a vessel,</p> <ul style="list-style-type: none"> (a) the diver shall use a lifeline; and (b) an employer shall ensure that the diver uses a lifeline. 	
<p>Diving Plan</p>	<p>Diving Plan</p>	
<p>313. (1) A diving supervisor shall submit a general diving plan in writing to the employer before beginning a diving operation.</p>	<p>313. (1) A diving supervisor shall submit a general diving plan in writing to the employer before beginning a diving operation.</p>	
<ul style="list-style-type: none"> (2) A diving supervisor shall <ul style="list-style-type: none"> (a) plan the dive to ensure the health and safety of the diver; (b) instruct the surface crew on the procedures necessary to ensure the health and safety of the diver; (c) ensure that all necessary equipment is available and is in good operating condition; (d) ensure that the quantity of breathing gas supplied to a diver is sufficient for the dive that is planned; (e) develop and implement a contingency plan for any emergency 	<ul style="list-style-type: none"> (2) A diving supervisor shall <ul style="list-style-type: none"> (a) plan the dive to ensure the health and safety of the diver; (b) instruct the surface crew on the procedures necessary to ensure the health and safety of the diver; (c) ensure that all necessary equipment is available and is in good operating condition; (d) ensure that the quantity of breathing gas supplied to a diver is sufficient for the dive that is planned; (e) develop and implement a contingency plan for any emergency 	

<p>situation that may endanger the diver;</p> <ul style="list-style-type: none"> (f) keep a log showing each diver's activities on each day and make entries respecting each dive on the day on which the dive is performed; (g) remain in the immediate area of the dive site at all times while a diving operation is in progress; (h) ensure that each diver enters in the diver's personal log the information required by paragraph 315(2)(a) for each dive performed by the diver; and (i) verify the accuracy of the information recorded in each diver's personal log pursuant to paragraph 315(2)(a) and sign the entry to acknowledge the supervisor's verification. 	<p>situation that may endanger the diver;</p> <ul style="list-style-type: none"> (f) keep a log showing each diver's activities on each day and make entries respecting each dive on the day on which the dive is performed; (g) remain in the immediate area of the dive site at all times while a diving operation is in progress; (h) ensure that each diver enters in the diver's personal log the information required by paragraph 315(2)(a) for each dive performed by the diver; and (i) verify the accuracy of the information recorded in each diver's personal log pursuant to paragraph 315(2)(a) and sign the entry to acknowledge the supervisor's verification. 	
<p>(3) Nothing in this section limits the responsibilities of an employer pursuant to this Part.</p>	<p>(3) Nothing in this section limits the responsibilities of an employer pursuant to this Part.</p>	
<p>General Responsibilities of Diver</p>	<p>General Responsibilities of Diver</p>	
<p>314.A diver shall</p> <ul style="list-style-type: none"> (a) proceed in accordance with the general diving plan and the instructions of the diving supervisor; (b) inspect the diver's equipment immediately before each dive; and (c) begin each dive by submerging and checking all equipment to ensure that there are no leaks and that the equipment is functioning properly. 	<p>314.A diver shall</p> <ul style="list-style-type: none"> (a) proceed in accordance with the general diving plan and the instructions of the diving supervisor; (b) inspect the diver's equipment immediately before each dive; and (c) begin each dive by submerging and checking all equipment to ensure that there are no leaks and that the equipment is functioning properly. 	
<p>Diver's Personal Log</p>	<p>Diver's Personal Log</p>	
<p>315. (1) A diver shall keep a personal log and retain the log for a five-year period after the log's</p>	<p>315. (1) A diver shall keep a personal log and retain the log for a five-year period after the log's</p>	

<p>completion.</p>	<p>completion.</p>	
<p>(2) A diver shall record in the personal log in chronological order</p> <ul style="list-style-type: none"> (a) an entry for each dive that the diver has made, verified and signed by the diving supervisor; and (b) each entry including <ul style="list-style-type: none"> (i) the type of breathing apparatus used, (ii) the breathing gas used, (iii) the time at which the diver left the surface, (iv) the bottom time, (v) the maximum depth reached, (vi) the time at which the diver left the bottom, (vii) the time at which the diver reached the surface, (viii) the surface interval, if more than one dive is undertaken in a day, (ix) the decompression table and schedule used, (x) the date of the dive, (xi) any observations relevant to the health or safety of the diver arising from the dive, and (xii) the name of the employer; and (c) an entry, signed by the attending medical professional or diving supervisor, respecting any therapeutic recompression or other exposure to a hyperbaric environment. 	<p>(2) A diver shall record in the personal log in chronological order</p> <ul style="list-style-type: none"> (a) an entry for each dive that the diver has made, verified and signed by the diving supervisor; and (b) each entry including <ul style="list-style-type: none"> (i) the type of breathing apparatus used, (ii) the breathing gas used, (iii) the time at which the diver left the surface, (iv) the bottom time, (v) the maximum depth reached, (vi) the time at which the diver left the bottom, (vii) the time at which the diver reached the surface, (viii) the surface interval, if more than one dive is undertaken in a day, (ix) the decompression table and schedule used, (x) the date of the dive, (xi) any observations relevant to the health or safety of the diver arising from the dive, and (xii) the name of the employer; and (c) an entry, signed by the attending medical professional or diving supervisor, respecting any therapeutic recompression or other exposure to a hyperbaric environment. 	
<p>Buddy System</p>	<p>Buddy System</p>	
<p>316. (1) The buddy system of diving involves the use of two divers, each of whom is responsible</p>	<p>316. (1) The buddy system of diving involves the use of two divers, each of whom is responsible</p>	

for the other diver's safety.	for the other diver's safety.	
<p>(2) A diver who is diving using the buddy system</p> <ul style="list-style-type: none"> (a) shall maintain constant visual contact with the other buddy diver during the dive; (b) shall know the hand signals being used and acknowledge each signal as given; (c) shall not leave the other buddy diver except in the case of emergency requiring the assistance of one of the buddy divers; and (d) shall abort the dive immediately if the buddy divers become separated from each other or the other buddy diver aborts the dive. 	<p>(2) A diver who is diving using the buddy system</p> <ul style="list-style-type: none"> (a) shall maintain constant visual contact with the other buddy diver during the dive; (b) shall know the hand signals being used and acknowledge each signal as given; (c) shall not leave the other buddy diver except in the case of emergency requiring the assistance of one of the buddy divers; and (d) shall abort the dive immediately if the buddy divers become separated from each other or the other buddy diver aborts the dive. 	
Free Swimming Diving	Free Swimming Diving	
317. (1) An employer shall ensure that free-swimming diving is performed only where a dive cannot safely be accomplished in the tethered mode.	317. (1) An employer shall ensure that free-swimming diving is performed only where a dive cannot safely be accomplished in the tethered mode.	
<p>(2) An employer shall not require or permit a diver to perform free-swimming diving unless</p> <ul style="list-style-type: none"> (a) the diver is accompanied by a tethered in-water standby diver or the buddy system is used; and (b) the employer has first ensured that conditions are such that the free-swimming dive can be undertaken safely. 	<p>(2) An employer shall not require or permit a diver to perform free-swimming diving unless</p> <ul style="list-style-type: none"> (a) the diver is accompanied by a tethered in-water standby diver or the buddy system is used; and (b) the employer has first ensured that conditions are such that the free-swimming dive can be undertaken safely. 	
Scuba Diving	Scuba Diving	
318. (1) An employer shall ensure that, during scuba diving operations, a diver uses	318. (1) An employer shall ensure that, during scuba diving operations, a diver uses	
<ul style="list-style-type: none"> (a) open-circuit scuba equipped with a demand regulator and a tank with quick-release harness; 	<ul style="list-style-type: none"> (a) open-circuit scuba equipped with a demand regulator and a tank with quick-release harness; 	

<ul style="list-style-type: none"> (b) a reserve device or bail-out system; (c) a lifeline, except where the buddy system is used; and (d) an exposure suit or protective clothing that is appropriate for the condition of work and the temperature of the water. 	<ul style="list-style-type: none"> (b) a reserve device or bail-out system; (c) a lifeline, except where the buddy system is used; and (d) an exposure suit or protective clothing that is appropriate for the condition of work and the temperature of the water. 	
<p>(2) An employer shall ensure that no diver using scuba equipment</p> <ul style="list-style-type: none"> (a) dives to a depth exceeding 50 m; or (b) dives without a lifeline under ice or where potentially hazardous conditions exist, including water currents, low visibility and adverse weather conditions. 	<p>(2) An employer shall ensure that no diver using scuba equipment</p> <ul style="list-style-type: none"> (a) dives to a depth exceeding 50 m; or (b) dives without a lifeline under ice or where potentially hazardous conditions exist, including water currents, low visibility and adverse weather conditions. 	
<p>Surface-Supply Diving</p>	<p>Surface-Supply Diving</p>	
<p>319. Where a diver is required or permitted to perform surface-supply diving, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the umbilical incorporates a lifeline to prevent stress on the hose; (b) the connections between the airline and the equipment supplying the breathing gas to the diver are secured and properly guarded to prevent accidental disconnection or damage; (c) the air line is equipped with the following, in sequence from the surface connection: <ul style="list-style-type: none"> (i) a regulating valve that is clearly marked as to which diver's air supply the valve controls; (ii) a pressure gauge that is accessible and clearly visible to the diver's tender; (iii) a non-return valve at the point 	<p>319. Where a diver is required or permitted to perform surface-supply diving, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the umbilical incorporates a lifeline to prevent stress on the hose; (b) the connections between the airline and the equipment supplying the breathing gas to the diver are secured and properly guarded to prevent accidental disconnection or damage; (c) the air line is equipped with the following, in sequence from the surface connection: <ul style="list-style-type: none"> (i) a regulating valve that is clearly marked as to which diver's air supply the valve controls; (ii) a pressure gauge that is accessible and clearly visible to the diver's tender; (iii) a non-return valve at the point 	

<p>of attachment of the airline to the diving helmet or mask;</p> <p>(d) the diver carries a bail-out system; and</p> <p>(e) the diver is equipped with a lifeline and an effective means of two-way communication between the diver and the diver's tender.</p>	<p>of attachment of the airline to the diving helmet or mask;</p> <p>(d) the diver carries a bail-out system; and</p> <p>(e) the diver is equipped with a lifeline and an effective means of two-way communication between the diver and the diver's tender.</p>	
<p>PART 21 CHEMICAL AND BIOLOGICAL SUBSTANCES</p>	<p>PART 21 CHEMICAL AND BIOLOGICAL SUBSTANCES</p>	
<p>General Duties of Employers</p>	<p>General Duties of Employers</p>	
<p>320. (1) An employer shall, at a work site,</p> <p>(a) monitor the use or presence of, or a worker's exposure to, any hazardous chemical or biological substance;</p> <p>(b) where reasonably practicable, substitute a less harmful chemical or biological substance for a hazardous or harmful chemical or biological substance;</p> <p>(c) subject to subsection 325(1), to the extent that is reasonably practicable, reduce any contamination of the work site by a chemical or biological substance; and</p> <p>(d) develop and implement work procedures and processes that are as safe as is reasonably practicable for the handling, use, storage, production and disposal of chemical or biological substances.</p>	<p>320. (1) An employer shall, at a work site,</p> <p>(a) monitor the use or presence of, or a worker's exposure to, any hazardous chemical or biological substance;</p> <p>(b) where reasonably practicable, substitute a less harmful chemical or biological substance for a hazardous or harmful chemical or biological substance;</p> <p>(c) subject to subsection 325(1), to the extent that is reasonably practicable, reduce any contamination of the work site by a chemical or biological substance; and</p> <p>(d) develop and implement work procedures and processes that are as safe as is reasonably practicable for the handling, use, storage, production and disposal of chemical or biological substances.</p>	<p><u>Stakeholders</u>: CONCERN: Section should be added on the maintaining of training records.</p> <p><u>Committee</u>: There is no requirement for such a provision. It is in the interests of employers to do this as such documentation will be evidence of compliance (or non-compliance). It should not be an offence not to maintain such records.</p> <p><u>Stakeholders</u>: Section needed about the employer's responsibility to maintain records about the exposure of workers to chemical or biological substance and to make available to the Chief Safety Officer; and to the worker when s/he departs the company.</p> <p><u>Committee</u>: For substances in schedules Q and R this kind of record-keeping is provided for in section 329. It does not require automatic reporting to the CSO; however under sections 8 and 9 if there is a dangerous occurrence or an accident causing bodily injury such reporting is required. Also under section 10 reporting is required if certain industrial diseases are diagnosed.</p>

		For substances in schedule S, section 325 requires procedures to be developed by the employer and safety committee to ensure that workers' exposure to such substances is kept to safe levels, which could include provisions for biological monitoring, dealt with in section 26, which provides for reports to be sent to a worker's medical professional.
(2) An employer shall take all practicable steps to prevent exposure of a worker to (a) a hazardous chemical or biological substance; or (b) a chemical or biological substance in combination or association with any other hazardous substance present.	(2) An employer shall take all practicable steps to prevent exposure of a worker to (a) a hazardous chemical or biological substance; or (b) a chemical or biological substance in combination or association with any other hazardous substance present.	
(3) An employer shall (a) inform the workers of the nature and degree of the effects to their health or safety of any chemical or biological substance to which the workers are exposed; and (b) provide the workers with adequate training with respect to (i) work procedures and processes developed pursuant to paragraph (1)(d), and (ii) the proper use of any personal protective equipment required by these regulations.	(3) An employer shall (a) inform the workers of the nature and degree of the effects to their health or safety of any chemical or biological substance to which the workers are exposed; and (b) provide the workers with adequate training with respect to (i) work procedures and processes developed pursuant to paragraph (1)(d), and (ii) the proper use of any personal protective equipment required by these regulations.	
(4) An employer shall make available to the Committee and the representative (a) the results of any measurements of worker exposure to, and contamination of a work site by, a chemical or biological substance; and (b) any steps taken to reduce the	(4) An employer shall make available to the Committee and the representative (a) the results of any measurements of worker exposure to, and contamination of a work site by, a chemical or biological substance; and (b) any steps taken to reduce the	

<p>contamination of a work site by, and eliminate or reduce exposure of the workers to, a chemical or biological substance.</p>	<p>contamination of a work site by, and eliminate or reduce exposure of the workers to, a chemical or biological substance.</p>	
<p>List of Chemical and Biological Substances</p>	<p>List of Chemical and Biological Substances</p>	
<p>321. (1) An employer shall, in consultation with the Committee and the representative , the occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers,</p> <ul style="list-style-type: none"> (a) develop and maintain a list of <ul style="list-style-type: none"> (i) all hazardous chemical or biological substances that are regularly handled, used, stored, produced or disposed of in the course of work processes at the work site, and (ii) any other chemical or biological substances that may be present at the work site and are of concern to the workers; and (b) identify on the list all chemical substances and biological substances that are controlled products. 	<p>321. (1) An employer shall, in consultation with the Committee and the representative,</p> <ul style="list-style-type: none"> (a) develop and maintain a list of <ul style="list-style-type: none"> (i) all hazardous chemical or biological substances that are regularly handled, used, stored, produced or disposed of in the course of work processes at the work site, and (ii) any other chemical or biological substances that may be present at the work site and are of concern to the workers; and (b) identify on the list all chemical substances that are controlled products. 	<p><u>Stakeholders:</u> Don't forget that workers face the same threats as the public in health care settings. During SARS, nurses died for various reasons, and the hazard of contracting the same diseases as our patients exists as we care for them Ex HIV, Hep B&C.</p> <p><u>Committee:</u> In paragraph 321(1)(b), "and biological substances" is removed as they are not controlled products (or products). In s. 321(2)(a) "hazardous" needs to be inserted. If the SARS virus is present at a work site then this section applies as it is a hazardous biological substance.</p> <p><u>Stakeholders:</u> We can't find any references to the <i>Human Pathogens and Toxins Act</i> with regards to biological substances. This is a piece of Federal legislation that governs a lot of the things in this Part. Has this been looked as part of developing these regulations?</p>
<p>(2) The employer shall</p> <ul style="list-style-type: none"> (a) amend the list referred to in subsection (1) whenever a chemical or biological substance is added to or removed from the work site; (b) submit a copy of each amendment to the Committee or the occupational health and safety representative; and (c) keep a copy of the list at the work site and make the list readily available to the workers. 	<p>(2) The employer shall</p> <ul style="list-style-type: none"> (a) amend the list referred to in subsection (1) whenever a hazardous chemical or biological substance is added to or removed from the work site; (b) submit a copy of each amendment to the Committee or representative; and (c) keep a copy of the list at the work site and make the list readily available to the workers. 	<p><u>Committee:</u> The Act of interest is the <i>Human Pathogens and Toxins Act</i>, S.C. 2009, c.24. No regulations existed at the time of review. This Act is geared more to public health safety and security and includes a regulatory regime of licensing and notification to Canada. This is not really OHS.</p> <p><u>Stakeholders:</u> We need an understanding that if we were, for example, doing renovations at Stanton, the hospital will still be operating so the</p>

		<p>list would only apply to the chemicals in the renovations areas that they are working in and using in the renovations not the other hospital chemicals. Hospital would still be looking after their own hospital chemicals, not the contractor.</p> <p><u>Committee:</u> This is a situation with multiple employers. The person with the greatest degree of control is responsible (see s. 4(4)). That does not absolve other employers of responsibility under section 4. Case law is clear on this: <i>Director of Occupational Health and Safety v. Government of Yukon, William R. Cratty and P. S. Sidhu Trucking Ltd., 2010 YKTC 97.</i> See section 4 comments.</p>
Precautions for Certain Substances	Precautions for Certain Substances	
<p>322. (1) Where a chemical or biological substance is listed or identified under subsection 321(1), an employer shall take all reasonable steps to</p> <ul style="list-style-type: none"> (a) ascertain and record the hazards that may arise from the handling, use, storage, production or disposal of the substance at the work site; (b) ascertain and record the precautions that need to be taken with respect to the substance to ensure the health and safety of workers; and (c) clearly mark the container holding the substance with the name of the substance as set out in the list. 	<p>322. (1) Where a chemical or biological substance is listed or identified under subsection 321(1), an employer shall take all reasonable steps to</p> <ul style="list-style-type: none"> (a) ascertain and record the hazards that may arise from the handling, use, storage, production or disposal of the substance at the work site; (b) ascertain and record the precautions that need to be taken with respect to the substance to ensure the health and safety of workers; and (c) clearly mark the container holding the substance with the name of the substance as set out in the list. 	
<p>(2) An employer, in consultation with the Committee, shall develop a program to instruct workers about the hazards of the substances to which subsection (1) applies and train workers in the precautions to be taken with respect to those</p>	<p>(2) An employer, in consultation with the Committee, shall develop a program to instruct workers about the hazards of the substances to which subsection (1) applies and train workers in the precautions to be taken with respect to those</p>	

substances.	substances.	
(3) An employer shall implement a program developed pursuant to subsection (2).	(3) An employer shall implement a program developed pursuant to subsection (2).	
Substances listed in Schedule Q	Substances listed in Schedule Q	
323.(1) An employer shall send to the Chief Safety Officer a written notice of any handling, use, storage, production, distribution or disposal, or any intended handling, use, storage, production, distribution or disposal of any chemical substance or biological substance listed in Schedule Q.	323.(1) An employer shall send to the Chief Safety Officer a written notice of any handling, use, storage, production, distribution or disposal, or any intended handling, use, storage, production, distribution or disposal of any chemical substance or biological substance listed in Schedule Q.	
(2) No employer shall handle, use, store, produce, distribute or dispose of a chemical substance or biological substance listed in Schedule Q without (a) obtaining the written permission of the Chief Safety Officer; and (b) complying with any conditions that the Chief Safety Officer may specify.	(2) No employer shall handle, use, store, produce, distribute or dispose of a chemical substance or biological substance listed in Schedule Q without (a) obtaining the written permission of the Chief Safety Officer; and (b) complying with any conditions that the Chief Safety Officer may specify.	
Substances Listed in Schedule R	Substances Listed in Schedule R	
324.Where workers are required to handle, use, store, produce or dispose of any chemical substance listed in Schedule R, an employer shall (a) provide adequate engineering controls to prevent, to the extent that is reasonably practicable, the release of the substance into the work site; and (b) take other measures and provide personal protective equipment that meets the requirements of Part 7 to prevent, to the extent that is practicable, any significant risk to workers from the substance.	324.Where workers are required to handle, use, store, produce or dispose of any chemical substance listed in Schedule R, an employer shall (a) provide adequate engineering controls to prevent, to the extent that is reasonably practicable, the release of the substance into the work site; and (b) take other measures and provide personal protective equipment that meets the requirements of Part 7 to prevent, to the extent that is practicable, any significant risk to workers from the substance.	
Substances Listed in Schedule S	Substances Listed in Schedule S	
325. (1) Subject to sections 324 and 326, where a	325. (1) Subject to sections 324 and 326, where	<u>Stakeholders</u> : reasonably practicable is not an

<p>chemical substance or biological substance listed in Schedule S is present at a work site, an employer shall</p> <ul style="list-style-type: none"> (a) provide adequate engineering controls, to the extent that it is reasonably practicable to do so, to ensure that the contamination limit set out in Schedule S is not exceeded in any area where a worker is usually present; and (b) take all practicable steps to ensure that no worker's personal exposure exceeds the contamination limit set out in Schedule S. 	<p>a chemical substance or biological substance listed in Schedule S is present at a work site, an employer shall</p> <ul style="list-style-type: none"> (a) provide adequate engineering controls, to the extent that it is reasonably practicable to do so, to ensure that the contamination limit set out in Schedule S is not exceeded in any area where a worker is usually present; and (b) take all practicable steps to ensure that no worker's personal exposure exceeds the contamination limit set out in Schedule S. 	<p>option either the engineering controls are adequate or they are not.</p> <p><u>Committee:</u> This provision requires the employer to do (a) and (b). If adequate engineering controls cannot be provided, as to do so would not be reasonably practicable, the employer still has to take all practicable steps to ensure the TLVs in Schedule S are not exceeded.</p> <p>It is unreasonable to expect no contamination in all instances, however there are steps that can be used to limit contamination. This is the whole concept behind exposure control, whether of chemicals or of radiation.</p>
<p>(2) An employer, in consultation with the Committee, shall develop a written procedure that meets the requirements of subsection (3) where a chemical substance or biological substance listed in Schedule S is present at a work site in an airborne concentration that may be hazardous to a worker, and a worker</p> <ul style="list-style-type: none"> (a) is regularly required or permitted to work more than eight hours in a day or 40 hours in a week; or (b) may be exposed to a combination or association of substances listed in Schedule S that have similar toxicological effects when acting on the same organ or body system. 	<p>(2) An employer, in consultation with the Committee, shall develop a written procedure that meets the requirements of subsection (3) where a chemical substance or biological substance listed in Schedule S is present at a work site in an airborne concentration that may be hazardous to a worker, and a worker</p> <ul style="list-style-type: none"> (a) is regularly required or permitted to work more than eight hours in a day or 40 hours in a week; or (b) may be exposed to a combination or association of substances listed in Schedule S that have similar toxicological effects when acting on the same organ or body system. 	<p><u>Stakeholders:-</u> Schedule O not reviewed.</p> <p><u>Committee:</u> No response.</p>
<p>(3) A written procedure required by subsection (2) must identify</p> <ul style="list-style-type: none"> (a) the substances to which a worker may be exposed; (b) the conditions under which a worker will be required or permitted to work, including the frequency, 	<p>(3) A written procedure required by subsection (2) must identify</p> <ul style="list-style-type: none"> (a) the substances to which a worker may be exposed; (b) the conditions under which a worker will be required or permitted to work, including the frequency, 	

<p>quantity and duration of exposure to the substances; and</p> <p>(c) the steps that the employer will take to ensure, to the extent that is practicable, that no worker's personal exposure exceeds the equivalent of the contamination limit set out in Schedule S.</p>	<p>quantity and duration of exposure to the substances; and</p> <p>(c) the steps that the employer will take to ensure, to the extent that is practicable, that no worker's personal exposure exceeds the equivalent of the contamination limit set out in Schedule S.</p>	
<p>(4) An employer shall implement a procedure developed pursuant to subsection (2).</p>	<p>(4) An employer shall implement a procedure developed pursuant to subsection (2).</p>	
<p>Protection of Certain Workers</p>	<p>Protection of Certain Workers</p>	
<p>326. (1) This section applies where a chemical or biological substance is present at a work site in a form and to an extent that may be harmful to a worker who</p> <p>(a) has become sensitized to the substance;</p> <p>(b) is unusually responsive to the substance; or</p> <p>(c) is pregnant.</p>	<p>326. (1) This section applies where a chemical or biological substance is present at a work site in a form and to an extent that may be harmful to a worker who</p> <p>(a) has become sensitized to the substance;</p> <p>(b) is unusually responsive to the substance; or</p> <p>(c) is pregnant.</p>	
<p>(2) An employer shall, after the worker has notified the employer of the worker's condition and as soon as is reasonably possible,</p> <p>(a) where reasonably practicable, take steps to minimize the exposure of the worker to the substance; or</p> <p>(b) on the worker's request, assign the worker to less hazardous alternate work if that work is available.</p>	<p>(2) An employer shall, after the worker has notified the employer of the worker's condition and as soon as is reasonably possible,</p> <p>(a) where reasonably practicable, take steps to minimize the exposure of the worker to the substance; or</p> <p>(b) on the worker's request, assign the worker to less hazardous alternate work if that work is available.</p>	<p><u>Committee</u>: Note that pregnancy is a "condition". It is not an "injury".</p>
<p>(3) A worker who becomes aware that she is pregnant shall immediately inform the employer that she is pregnant.</p>	<p>Removed</p>	<p><u>Committee</u>: Subsections (3) to (5) are not necessary.</p>
<p>(4) An employer shall advise the workers</p> <p>(a) of their obligation pursuant to subsection (3); and</p> <p>(b) that, if a worker suspects she is pregnant, she must inform</p>	<p>Removed</p>	

immediately the employer.		
(5) On being informed by a worker that she is pregnant or suspects she is pregnant, the employer shall, in order to comply with exposure limits set out in this Part, reassess and, if necessary, revise the employment duties or educational activities of the worker.	Removed	
Respiratory Protective Devices	Respiratory Protective Devices	
327.Where it is not reasonably practicable to reduce a worker's personal exposure to a chemical substance or biological substance to the contamination limit set out in Schedule S, an employer shall provide an approved respiratory protective device that meets the requirements of Part 7 and require the worker to use it.	327.Where it is not reasonably practicable to reduce a worker's personal exposure to a chemical substance or biological substance to the contamination limit set out in Schedule S, an employer shall provide an approved respiratory protective device that meets the requirements of Part 7 and require the worker to use it.	
Accumulations, Spills and Leaks	Accumulations, Spills and Leaks	
<p>328.Where there is a possibility of an accumulation, spill or leak of a chemical or biological substance that may be hazardous to workers at a work site, an employer</p> <ul style="list-style-type: none"> (a) in consultation with the Committee, shall develop written emergency procedures to be implemented in the event of an accumulation, spill or leak; (b) shall make readily available for reference by workers a copy of the emergency procedures developed pursuant to paragraph (a); (c) shall ensure that each worker is trained in and implements any of the emergency procedures developed pursuant to paragraph (a) that <ul style="list-style-type: none"> (i) require the involvement of the worker, or (ii) are necessary to protect the 	<p>328.Where there is a possibility of an accumulation, spill or leak of a chemical or biological substance that may be hazardous to workers at a work site, an employer</p> <ul style="list-style-type: none"> (a) in consultation with the Committee, shall develop written emergency procedures to be implemented in the event of an accumulation, spill or leak; (b) shall make readily available for reference by workers a copy of the emergency procedures developed pursuant to paragraph (a); (c) shall ensure that each worker is trained in and implements any of the emergency procedures developed pursuant to paragraph (a) that <ul style="list-style-type: none"> (i) require the involvement of the worker, or (ii) are necessary to protect the 	

<p>health or safety of the worker;</p> <p>(d) shall ensure that competent persons, equipment, supplies and personal protective equipment are available for the prompt, safe and effective containment, neutralizing and decontamination of any accumulation, spill or leak; and</p> <p>(e) shall ensure that the emergency procedures developed pursuant to paragraph (a) are implemented in the event of an accumulation, spill or leak.</p>	<p>health or safety of the worker;</p> <p>(d) shall ensure that competent persons, equipment, supplies and personal protective equipment are available for the prompt, safe and effective containment, neutralizing and decontamination of any accumulation, spill or leak; and</p> <p>(e) shall ensure that the emergency procedures developed pursuant to paragraph (a) are implemented in the event of an accumulation, spill or leak.</p>	
<p>Report of Worker's Exposure</p>	<p>Report of Worker's Exposure</p>	
<p>329. (1) Where an accumulation, spill or leak of a chemical or biological substance listed in Schedules Q or R occurs and results in the exposure of a worker to the chemical or biological substance to an extent that may affect the health or safety of the worker, an employer, in consultation with the Committee if there is one, shall investigate the incident as soon as is reasonably possible and prepare a written report that includes</p> <p>(a) a description of the incident, including the date and all affected work sites;</p> <p>(b) the names of the substances released and the characteristics of the substances;</p> <p>(c) for each substance released, the estimated duration and the extent of each worker's exposure;</p> <p>(d) the name of each worker exposed and the manner in which the substance entered the worker's body;</p>	<p>329. (1) Where an accumulation, spill or leak of a chemical or biological substance listed in Schedules Q or R occurs and results in the exposure of a worker to the chemical or biological substance to an extent that may affect the health or safety of the worker, an employer, in consultation with the Committee if there is one, shall investigate the incident as soon as is reasonably possible and prepare a written report that includes</p> <p>(a) a description of the incident, including the date and all affected work sites;</p> <p>(b) the names of the substances released and the characteristics of the substances;</p> <p>(c) for each substance released, the estimated duration and the extent of each worker's exposure;</p> <p>(d) the name of each worker exposed and the manner in which the substance entered the worker's body;</p>	<p><u>Stakeholders</u>: Is this a report that also needs to go to WSCC? It may be useful to clarify the nature of the various reports required, as many places have an internal reporting system that includes reports being provided to various bodies.</p> <p><u>Committee</u>: The exposure report need not go to the CSO, unless the exposure is a dangerous occurrence or an accident causing serious bodily injury (ss. 8 and 9). Note a safety officer could inspect the records. It has to be this way to be consistent with section 95 (Exposure Control Plan).</p>

<p>(e) the causes of the incident; and (f) any corrective actions taken to prevent occurrence of a similar incident.</p>	<p>(e) the causes of the incident; and (f) any corrective actions taken to prevent occurrence of a similar incident.</p>	
<p>(2) An employer shall provide a copy of a report prepared pursuant to subsection (1) to any worker who was exposed to the chemical or biological substance that was released.</p>	<p>(2) An employer shall provide a copy of a report prepared pursuant to subsection (1) to any worker who was exposed to the chemical or biological substance that was released.</p>	<p><u>Stakeholders</u>: copy to CSO? <u>Committee</u>: This is not necessary unless it is asked for or falls under ss. 8 or 9.</p>
<p>Emergency Showers</p>	<p>Emergency Showers</p>	
<p>330.Where there may be a risk of substantial contamination of a worker or of a worker's clothing from corrosive or other hazardous substances, an employer shall provide and maintain an approved and readily accessible means of bathing or showering the worker in lukewarm water.</p>	<p>330.Where there may be a risk of substantial contamination of a worker or of a worker's clothing from corrosive or other hazardous substances, an employer shall provide and maintain an approved and readily accessible means of bathing or showering the worker in lukewarm water.</p>	
<p>Eye Flushing Equipment</p>	<p>Eye Flushing Equipment</p>	
<p>331.Where there may be a risk to the eyes of a worker from corrosive or other hazardous substances, an employer shall provide, at readily accessible locations, approved equipment to flush the eyes of the worker with lukewarm water or another appropriate liquid.</p>	<p>331.Where there may be a risk to the eyes of a worker from corrosive or other hazardous substances, an employer shall provide, at readily accessible locations, approved equipment to flush the eyes of the worker with lukewarm water or another appropriate liquid.</p>	<p><u>Stakeholders</u>: Warming the water will cause bacteria build-up. What provisions are made to inspect and treat the water? <u>Stakeholders</u>: Specify "sterilized" lukewarm water? Or assume a degree of common sense? <u>Committee</u>: Trade brochures indicate the water has anti-microbial qualities when treated, typically with a silver compound. This can be elaborated upon in the code of practice and guidelines. There is no need for such detail here in respect of maintaining this equipment. If it is not maintained according to the manufacturer's instructions, then there is a question as to whether the employer is maintaining a safe work site. <u>Stakeholders</u>: do we need lukewarm water?</p>

		<u>Committee:</u> Cold water has a tendency to result in closing of the eyes. The point here is to flush the eyes of the contaminant.
Flammable, Unstable, Highly Reactive and Corrosive Substances	Flammable, Unstable, Highly Reactive and Corrosive Substances	
<p>332. (1) Where the storage at a work site of a chemical substance that is flammable, oxidizing, corrosive or dangerously reactive may put at risk the health or safety of a worker, an employer shall ensure that</p> <p>(a) the substance is</p> <p>(i) stored in a self-contained enclosure, room or building that is isolated from work sites and is adequately ventilated, and</p> <p>(ii) protected from conditions, including temperature, shock or vibration, that could reduce the stability or increase the potential hazard of the substance;</p> <p>(b) subject to sections 337 to 342, a durable, legible sign setting out the harmful characteristics of the substance and the precautions to be taken for storage is posted at each entrance to the enclosure, room or building in which the substance is stored; and</p> <p>(c) the container in which the substance is kept is</p> <p>(i) subject to sections 337 to 342, is clearly labelled with the name, harmful characteristics and precautions to be taken for the safe storage of the substance or substances,</p>	<p>332. (1) Where the storage at a work site of a chemical substance that is flammable, oxidizing, corrosive or dangerously reactive may put at risk the health or safety of a worker, an employer shall ensure that</p> <p>(a) the substance is</p> <p>(i) stored in a self-contained enclosure, room or building that is isolated from work sites and is adequately ventilated, and</p> <p>(ii) protected from conditions, including temperature, shock or vibration, that could reduce the stability or increase the potential hazard of the substance;</p> <p>(b) subject to sections 337 to 342, a durable, legible sign setting out the harmful characteristics of the substance and the precautions to be taken for storage is posted at each entrance to the enclosure, room or building in which the substance is stored; and</p> <p>(c) the container in which the substance is kept is</p> <p>(i) subject to sections 337 to 342, is clearly labelled with the name, harmful characteristics and precautions to be taken for the safe storage of the</p>	<p><u>Stakeholders:</u> would a flammable cabinet constitute a "self-contained enclosure"?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • "Self-contained" means not communicative or dependent on others. Whether the self-contained enclosure is combustible or not is irrelevant. This section is concerned with how the chemical, how it is stored, its container and so forth. • If the stakeholder means a "cabinet in which flammable material is stored" (and not a "cabinet which is flammable"), then if the cabinet meets the requirements of paragraphs (a), (b) and (c) it would qualify as a "self-contained enclosure".

<p>(ii) subject to section 401, is designed, constructed and maintained to contain the substance securely and to be resistant to the substance and any other substances to which the container may be exposed, (iii) sealed or covered, and (iv) is stored in a manner to protect the container from falls or damage.</p>	<p>substance or substances, (ii) subject to section 401, is designed, constructed and maintained to contain the substance securely and to be resistant to the substance and any other substances to which the container may be exposed, (iii) sealed or covered, and (iv) is stored in a manner to protect the container from falls or damage.</p>	
<p>(2) Where two or more chemical substances, when combined, produce a toxic, corrosive or explosive reaction, an employer shall ensure that the substances are effectively separated and stored to prevent the substances from combining.</p>	<p>(2) Where two or more chemical substances, when combined, produce a toxic, corrosive or explosive reaction, an employer shall ensure that the substances are effectively separated and stored to prevent the substances from combining.</p>	
<p>PART 22 WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM</p>	<p>PART 22 WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEM</p>	<p><u>Stakeholders</u>: Include reference to NWT & Nunavut acts. <u>Committee</u>: There are no NT or NU acts in respect of WHMIS. The <i>Safety Act</i> applies. This Part is intended to be the updated WHMIS legislation for NU and NT.</p>
<p>Interpretation</p>	<p>Interpretation</p>	
<p>333. In these regulations, “appeal board” means an appeal board appointed pursuant to subsection 43(1) of the <i>Hazardous Materials Information Review Act</i> (Canada) in relation to appeals under the <i>Hazardous Products Act</i> (Canada);</p>	<p>333. In these regulations, “appeal board” means an appeal board appointed pursuant to subsection 43(1) of the <i>Hazardous Materials Information Review Act</i> (Canada) in relation to appeals under the <i>Hazardous Products Act</i> (Canada);</p>	
<p>"bulk shipment" means a shipment of a controlled product that is contained without intermediate packaging in (a) a vessel with a water capacity of</p>	<p>"bulk shipment" means a shipment of a controlled product that is contained without intermediate packaging in (a) a vessel with a water capacity of</p>	

<p>more than 454 L, (b) a freight container, a road vehicle, a railway vehicle, a portable tank, a freight container carried on a road vehicle, a railway vehicle, ship or aircraft or a portable tank carried on a road vehicle, a railway vehicle, ship or aircraft, (c) the hold of a ship, or (d) a pipeline;</p>	<p>more than 454 L, (b) a freight container, a road vehicle, a railway vehicle, a portable tank, a freight container carried on a road vehicle, a railway vehicle, ship or aircraft or a portable tank carried on a road vehicle, a railway vehicle, ship or aircraft, (c) the hold of a ship, or (d) a pipeline;</p>	
<p>"Commission" means the Hazardous Materials Information Review Commission established under subsection 28(1) of the <i>Hazardous Materials Information Review Act</i> (Canada);</p>	<p>"Commission" means the Hazardous Materials Information Review Commission established under subsection 28(1) of the <i>Hazardous Materials Information Review Act</i> (Canada);</p>	
<p>"container" includes a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or receptacle;</p>	<p>"container" includes a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or receptacle;</p>	
<p>"fugitive emission" means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from process equipment or from emission control equipment or from a product;</p>	<p>"fugitive emission" means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from process equipment or from emission control equipment or from a product;</p>	
<p>"hazard information" means information on the proper and safe use, storage and handling of a controlled product and includes information relating to its toxicological properties;</p>	<p>"hazard information" means information on the proper and safe use, storage and handling of a controlled product and includes information relating to its toxicological properties;</p>	
<p>"hazard symbol" includes any design, mark, pictogram, sign, letter, word, number, abbreviation or any combination of them that is to be displayed on a controlled product or container in which a controlled product is packaged in order to show the nature of the hazard of the controlled product;</p>	<p>"hazard symbol" includes any design, mark, pictogram, sign, letter, word, number, abbreviation or any combination of them that is to be displayed on a controlled product or container in which a controlled product is packaged in order to show the nature of the hazard of the controlled product;</p>	
<p>"hazardous waste" means a controlled product that is intended for disposal or is sold for recycling or recovery;</p>	<p>"hazardous waste" means a controlled product that is intended for disposal or is sold for recycling or recovery;</p>	
<p>"Ingredient Disclosure List" means the Ingredient Disclosure List established pursuant to subsection</p>	<p>"Ingredient Disclosure List" means the Ingredient Disclosure List established pursuant to subsection</p>	

17(1) of the <i>Hazardous Products Act</i> (Canada);	17(1) of the <i>Hazardous Products Act</i> (Canada);	
"label" includes any mark, sign, device, stamp, seal, sticker, ticket, tag or wrapper;	"label" includes any mark, sign, device, stamp, seal, sticker, ticket, tag or wrapper;	
"laboratory sample" means a sample of a controlled product that is intended solely to be tested in a laboratory, but does not include a controlled product that is to be used (a) by the laboratory for testing other products, materials or substances, or (b) for educational or demonstration purposes;	"laboratory sample" means a sample of a controlled product that is intended solely to be tested in a laboratory, but does not include a controlled product that is to be used (a) by the laboratory for testing other products, materials or substances, or (b) for educational or demonstration purposes;	
"manufactured article" means any article that is formed to a specific shape or design during manufacture, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that, under normal conditions of use, will not release or otherwise cause a person to be exposed to a controlled product;	"manufactured article" means any article that is formed to a specific shape or design during manufacture, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that, under normal conditions of use, will not release or otherwise cause a person to be exposed to a controlled product;	
"material safety data sheet" means a document disclosing the information referred to in subparagraphs 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada);	"material safety data sheet" means a document disclosing the information referred to in subparagraphs 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada);	
"medical professional" means a person who provides health care and consists of (a) a medical practitioner as defined in the <i>Medical Profession Act</i> , and (b) a registered nurse, a nurse practitioner or a temporary certificate holder under the <i>Nursing Profession Act</i> ;	"medical professional" means a person who provides health care and consists of (a) a medical practitioner as defined in the <i>Medical Profession Act</i> , and (b) a registered nurse, a nurse practitioner or a temporary certificate holder under the <i>Nursing Profession Act</i> ;	
"product identifier" means, in respect of a controlled product, the brand name, code name or code number specified by a supplier or the chemical name, common name, generic name or trade name;	"product identifier" means, in respect of a controlled product, the brand name, code name or code number specified by a supplier or the chemical name, common name, generic name or trade name;	

<p>“pure substance” means a substance that</p> <ul style="list-style-type: none"> (a) is composed mainly of a single chemical or biological ingredient, and (b) does not contain any other ingredient that is included in the Ingredient Disclosure List in a concentration equal to or greater than the concentration specified in the Ingredient Disclosure List for that ingredient; 	<p>“pure substance” means a substance that</p> <ul style="list-style-type: none"> (a) is composed mainly of a single chemical or biological ingredient, and (b) does not contain any other ingredient that is included in the Ingredient Disclosure List in a concentration equal to or greater than the concentration specified in the Ingredient Disclosure List for that ingredient; 	
<p>"readily available" means present in an appropriate place in a physical form that can be handled;</p>	<p>"readily available" means present in an appropriate place in a physical form that can be handled;</p>	
<p>"research and development" means research and development as defined in the <i>Controlled Products Regulations</i>, SOR/88-66;</p>	<p>"research and development" means research and development as defined in the <i>Controlled Products Regulations</i>, SOR/88-66;</p>	
<p>"risk phrase" means, in respect of a controlled product or a class, division or subdivision of controlled products, a statement identifying a hazard that may arise from the nature of the controlled product or the class, division or subdivision of controlled products;</p>	<p>"risk phrase" means, in respect of a controlled product or a class, division or subdivision of controlled products, a statement identifying a hazard that may arise from the nature of the controlled product or the class, division or subdivision of controlled products;</p>	
<p>“supplier” means a supplier as defined in the <i>Hazardous Products Act</i> (Canada);</p>	<p>“supplier” means a supplier as defined in the <i>Hazardous Products Act</i> (Canada);</p>	
<p>“supplier identifier” means, with respect to a controlled product, the name of the supplier of the controlled product;</p>	<p>“supplier identifier” means, with respect to a controlled product, the name of the supplier of the controlled product;</p>	
<p>"supplier label" means a label provided by a supplier disclosing the information and displaying the hazard symbols referred to in paragraph 13(b) of the <i>Hazardous Products Act</i> (Canada);</p>	<p>"supplier label" means a label provided by a supplier disclosing the information and displaying the hazard symbols referred to in paragraph 13(b) of the <i>Hazardous Products Act</i> (Canada);</p>	
<p>"supplier material safety data sheet" means a material safety data sheet provided by a supplier disclosing the information referred to in subparagraphs 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada);</p>	<p>"supplier material safety data sheet" means a material safety data sheet provided by a supplier disclosing the information referred to in subparagraphs 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada);</p>	

"workplace" means a work site;	"workplace" means a work site;	
"workplace label" means a label that discloses (a) a product identifier that is identical to that found on the material safety data sheet of the corresponding controlled product, (b) information for the safe handling of the controlled product, and (c) that a material safety data sheet, if supplied or produced, is available.	"workplace label" means a label that discloses (a) a product identifier that is identical to that found on the material safety data sheet of the corresponding controlled product, (b) information for the safe handling of the controlled product, and (c) that a material safety data sheet, if supplied or produced, is available.	
Certain Products Exempted	Certain Products Exempted	
334. (1) The provisions of this Part with respect to a supplier label and a material safety data sheet does not apply to a controlled product that is (a) an explosive within the meaning of the <i>Explosives Act</i> (Canada); (b) a cosmetic, device, drug or food within the meaning of the <i>Food and Drugs Act</i> (Canada); (c) a control product within the meaning of the <i>Pest Control Products Act</i> (Canada); (d) a nuclear substance defined in the <i>Nuclear Safety and Control Act</i> (Canada); or (e) a product, material or substance packaged as a consumer product and in quantities normally used by the consuming public.	334. (1) The provisions of this Part with respect to a supplier label and a material safety data sheet does not apply to a controlled product that is (a) an explosive within the meaning of the <i>Explosives Act</i> (Canada); (b) a cosmetic, device, drug or food within the meaning of the <i>Food and Drugs Act</i> (Canada); (c) a control product within the meaning of the <i>Pest Control Products Act</i> (Canada); (d) a nuclear substance defined in the <i>Nuclear Safety and Control Act</i> (Canada); or (e) a product, material or substance packaged as a consumer product and in quantities normally used by the consuming public.	
(2) This Part does not apply to a controlled product that is (a) a wood or a product made of wood; (b) a tobacco or a product made of tobacco; (c) a manufactured article; or (d) being transported or handled pursuant to the <i>Transportation of</i>	(2) This Part does not apply to a controlled product that is (a) a wood or a product made of wood; (b) a tobacco or a product made of tobacco; (c) a manufactured article; or (d) being transported or handled pursuant to the <i>Transportation of</i>	

<i>Dangerous Goods Act (Canada) or the Transportation of Dangerous Goods Act, 1990.</i>	<i>Dangerous Goods Act (Canada) or the Transportation of Dangerous Goods Act, 1990.</i>	
(3) Subject to subsection (4), this Part does not apply to hazardous waste.	(3) Subject to subsection (4), this Part does not apply to hazardous waste.	
(4) An employer shall ensure the safe storage and handling of hazardous waste generated at a work site through a combination of identification of the hazardous waste and worker training.	(4) An employer shall ensure the safe storage and handling of hazardous waste generated at a work site through a combination of identification of the hazardous waste and worker training.	
(5) The worker training referred to in subsection (4) must include all hazard information of which the employer is aware, or ought to be aware, concerning the hazardous waste.	(5) The worker training referred to in subsection (4) must include all hazard information of which the employer is aware, or ought to be aware, concerning the hazardous waste.	
Restriction on the Use of Controlled Products	Restriction on the Use of Controlled Products	
335. (1) Subject to subsection (2), an employer shall ensure that a controlled product is not used, stored or handled at a work site unless all the applicable requirements of this Part with respect to labels, identifiers, material safety data sheets and worker training are complied with.	335. (1) Subject to subsection (2), an employer shall ensure that a controlled product is not used, stored or handled at a work site unless all the applicable requirements of this Part with respect to labels, identifiers, material safety data sheets and worker training are complied with.	
(2) An employer may store a controlled product at a work site while actively seeking information required pursuant to this Part.	(2) An employer may store a controlled product at a work site while actively seeking information required pursuant to this Part.	
Worker Training	Worker Training	
336. (1) An employer shall ensure that a worker who works with a controlled product or in proximity to a controlled product is informed about <ul style="list-style-type: none"> (a) all hazard information received from a supplier concerning the controlled product; and (b) any further hazard information of which the employer is aware or ought to be aware, concerning the 	336. (1) An employer shall ensure that a worker who works with a controlled product or in proximity to a controlled product is informed about <ul style="list-style-type: none"> (a) all hazard information received from a supplier concerning the controlled product; and (b) any further hazard information of which the employer is aware or ought to be aware, concerning the 	

use, storage and handling of that controlled product.	use, storage and handling of that controlled product.	
<p>(2) Where a controlled product is produced at a work site, an employer shall ensure that a worker who works with or in proximity to that controlled product is informed about all hazard information of which the employer is aware or ought to be aware, concerning the use, storage and handling of that controlled product.</p>	<p>(2) Where a controlled product is produced at a work site, an employer shall ensure that a worker who works with or in proximity to that controlled product is informed about all hazard information of which the employer is aware or ought to be aware, concerning the use, storage and handling of that controlled product.</p>	<p><u>Stakeholders:</u> re: hazardous substances (see also sections 320 and 337 of consultation draft) Identification of hazardous substances is not addressed. [We] recognize that hazardous substances should not be moved around without identification but labelling in the north is ephemeral and capacity for testing is limited. Funding is required to identify material in drums in most communities which will all become controlled substances.</p> <p><u>Committee:</u> If an employer requires workers to work with unknown substances, the employer is required to determine what those substances are and the hazard that they present to the workers before work begins with the substances. Depending on the substance, the employer may be required to take certain measures to mitigate the risk to workers.</p>
<p>(3) An employer shall ensure that a worker who works with, or in proximity to, a controlled product is trained in</p> <ul style="list-style-type: none"> (a) the content required on a supplier label and workplace label for the controlled product and the purpose and significance of the information contained on those labels; (b) the content required on a material safety data sheet for the controlled product and the purpose and significance of the information contained on the material safety data sheet; (c) all necessary procedures for the safe use, storage, handling and disposal 	<p>(3) An employer shall ensure that a worker who works with, or in proximity to, a controlled product is trained in</p> <ul style="list-style-type: none"> (a) the content required on a supplier label and workplace label for the controlled product and the purpose and significance of the information contained on those labels; (b) the content required on a material safety data sheet for the controlled product and the purpose and significance of the information contained on the material safety data sheet; (c) all necessary procedures for the safe use, storage, handling and disposal 	

<p>of the controlled product;</p> <p>(d) all necessary procedures to be followed where fugitive emissions are present; and</p> <p>(e) all necessary procedures to be followed in case of an emergency involving a controlled product.</p>	<p>of the controlled product;</p> <p>(d) all necessary procedures to be followed where fugitive emissions are present; and</p> <p>(e) all necessary procedures to be followed in case of an emergency involving a controlled product.</p>	
<p>(4) An employer shall ensure that the training required by subsection (3) is developed</p> <p>(a) for that employer's work site; and</p> <p>(b) in consultation with the Committee, occupational health and safety representative or, where there is no Committee or representative, the workers.</p>	<p>(4) An employer shall ensure that the training required by subsection (3) is developed</p> <p>(a) for that employer's work site; and</p> <p>(b) in consultation with the Committee or representative.</p>	
<p>(5) An employer shall ensure that</p> <p>(a) the training required by subsection (3) results in a worker being able to apply the information as needed to protect the health and safety of that worker or any other worker; and</p> <p>(b) the necessary procedures referred to in clauses (3)(c) to (e) are implemented.</p>	<p>(5) An employer shall ensure that</p> <p>(a) the training required by subsection (3) results in a worker being able to apply the information as needed to protect the health and safety of that worker or any other worker; and</p> <p>(b) the necessary procedures referred to in clauses (3)(c) to (e) are implemented.</p>	
<p>(6) An employer, in consultation with the Committee, the occupational health and safety representative or, where there is no Committee or representative, the workers, shall review the training provided to workers concerning controlled products at least annually, or more frequently if there is a change in work conditions or available hazard information.</p>	<p>(6) An employer, in consultation with the Committee or representative shall review the training provided to workers concerning controlled products at least annually, or more frequently if there is a change in work conditions or available hazard information.</p>	
<p>Supplier Label</p>	<p>Supplier Label</p>	
<p>337.(1) An employer shall ensure that a controlled product or the container of a controlled product that is received from a</p>	<p>337.(1) An employer shall ensure that a controlled product or the container of a controlled product that is received from a</p>	

supplier at a work site is labelled with a supplier label.	supplier at a work site is labelled with a supplier label.	
(2) Subject to section 347, no person shall remove, deface, modify or alter the supplier label on the container of a controlled product as long as any amount of the controlled product remains at the work site in the container in which it was received from the supplier.	(2) Subject to section 347, no person shall remove, deface, modify or alter the supplier label on the container of a controlled product as long as any amount of the controlled product remains at the work site in the container in which it was received from the supplier.	
(3) Where a label applied to a controlled product or a container of a controlled product becomes illegible or is accidentally removed from the controlled product or the container, the employer shall replace the label with either a supplier label or a workplace label.	(3) Where a label applied to a controlled product or a container of a controlled product becomes illegible or is accidentally removed from the controlled product or the container, the employer shall replace the label with either a supplier label or a workplace label.	
(4) Where an employer receives a controlled product in a multi-container shipment in which the individual containers have not been labelled by the supplier, the employer shall affix to each container a label that meets the requirements of the <i>Controlled Products Regulations</i> , SOR/88-66.	(4) Where an employer receives a controlled product in a multi-container shipment in which the individual containers have not been labelled by the supplier, the employer shall affix to each container a label that meets the requirements of the <i>Controlled Products Regulations</i> , SOR/88-66.	
(5) Where a controlled product imported under section 23 of the <i>Controlled Products Regulations</i> , SOR/88-66 is received at a work site without a supplier label, the employer shall affix a label that meets the requirements of the <i>Controlled Products Regulations</i> , SOR/88-66.	(5) Where a controlled product imported under section 23 of the <i>Controlled Products Regulations</i> , SOR/88-66 is received at a work site without a supplier label, the employer shall affix a label that meets the requirements of the <i>Controlled Products Regulations</i> , SOR/88-66.	
(6) An employer who receives a bulk shipment at a workplace shall affix to the container of the controlled product or to the controlled product, at the work site (a) a supplier label; or (b) where, pursuant to section 15 of the <i>Controlled Products Regulations</i> , SOR/88-66, the supplier is not required to label a controlled product transported as a bulk	(6) An employer who receives a bulk shipment at a workplace shall affix to the container of the controlled product or to the controlled product, at the work site (a) a supplier label; or (b) where, pursuant to section 15 of the <i>Controlled Products Regulations</i> , SOR/88-66, the supplier is not required to label a controlled product transported as a bulk	

shipment, a workplace label.	shipment, a workplace label.	
Workplace Label for Employer Produced Products	Workplace Label for Employer Produced Products	
338. (1) Subject to subsections (2) and (3), where a controlled product is produced at a workplace, the employer shall ensure that a workplace label is applied to the controlled product or the container of the controlled product.	338. (1) Subject to subsections (2) and (3), where a controlled product is produced at a workplace, the employer shall ensure that a workplace label is applied to the controlled product or the container of the controlled product.	
(2) Subsection (1) does not include the production of a fugitive emission.	(2) Subsection (1) does not include the production of a fugitive emission.	
(3) Subsection (1) does not apply to a controlled product in a container that (a) is intended to contain the controlled product for sale or disposition; and (b) is or is about to be appropriately labelled within the normal course of business and without undue delay.	(3) Subsection (1) does not apply to a controlled product in a container that (a) is intended to contain the controlled product for sale or disposition; and (b) is or is about to be appropriately labelled within the normal course of business and without undue delay.	
Workplace Label for Decanted Products	Workplace Label for Decanted Products	
339.(1) Subject to subsection (2), where a controlled product at a work site is in a container other than the container in which the controlled product was received from a supplier, an employer shall ensure that a workplace label is applied to the container.	339.(1) Subject to subsection (2), where a controlled product at a work site is in a container other than the container in which the controlled product was received from a supplier, an employer shall ensure that a workplace label is applied to the container.	
(2) Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label applied to it if all of the controlled product in the portable container is required for immediate use or (a) the controlled product is (i) under the control of, and used exclusively by, the worker who filled the portable container, and (ii) used only during the shift in	(2) Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label applied to it if all of the controlled product in the portable container is required for immediate use or (a) the controlled product is (i) under the control of, and used exclusively by, the worker who filled the portable container, and (ii) used only during the shift in	

<p>which the portable container was filled; and (b) the content of the container is clearly identified.</p>	<p>which the portable container was filled; and (b) the content of the container is clearly identified.</p>	
<p>Identification of a Controlled Product in Piping Systems and Vessels</p>	<p>Identification of a Controlled Product in Piping Systems and Vessels</p>	
<p>340. Notwithstanding sections 337 to 339, an employer shall ensure the safe use, storage and handling of a controlled product at a work site through worker training and the use of colour coding, labels, placards or any other mode of identification where the controlled product is contained or transferred in or on</p> <ul style="list-style-type: none"> (a) a pipe; (b) a piping system, including valves; (c) a process vessel; (d) a reaction vessel; or (e) a tank car, tank truck, ore car, conveyor belt or similar conveyance. 	<p>340. Notwithstanding sections 337 to 339, an employer shall ensure the safe use, storage and handling of a controlled product at a work site through worker training and the use of colour coding, labels, placards or any other mode of identification where the controlled product is contained or transferred in or on</p> <ul style="list-style-type: none"> (a) a pipe; (b) a piping system, including valves; (c) a process vessel; (d) a reaction vessel; or (e) a tank car, tank truck, ore car, conveyor belt or similar conveyance. 	
<p>Placard Identifiers</p>	<p>Placard Identifiers</p>	
<p>341. (1) Notwithstanding sections 337 to 339, an employer shall post a placard in accordance with subsection (2) where a controlled product is</p> <ul style="list-style-type: none"> (a) not in a container; (b) in a container or form intended for export; or (c) in a container that is intended to contain the controlled product for sale or disposition, and the container is not yet labelled but is to be labelled pursuant to section 338. 	<p>341. (1) Notwithstanding sections 337 to 339, an employer shall post a placard in accordance with subsection (2) where a controlled product is</p> <ul style="list-style-type: none"> (a) not in a container; (b) in a container or form intended for export; or (c) in a container that is intended to contain the controlled product for sale or disposition, and the container is not yet labelled but is to be labelled pursuant to section 338. 	
<p>(2) A placard required by subsection (1)</p> <ul style="list-style-type: none"> (a) must disclose the information required for a workplace label; and (b) must be of an appropriate size and must be placed in an appropriate location to make the information on it conspicuous and clearly legible 	<p>(2) A placard required by subsection (1)</p> <ul style="list-style-type: none"> (a) must disclose the information required for a workplace label; and (b) must be of an appropriate size and must be placed in an appropriate location to make the information on it conspicuous and clearly legible 	

to workers.	to workers.	
(3) An employer who complies with subsections (1) and (2) is deemed to have complied with sections 337 to 339.	(3) An employer who complies with subsections (1) and (2) is deemed to have complied with sections 337 to 339.	
Laboratory and Sample Labels	Laboratory and Sample Labels	
342. (1) Where a quantity of less than 10 kg of a controlled product packaged in a container originates from a laboratory supply house and is intended by the employer solely for use in a laboratory, a label supplied by the supplier and affixed to the container is deemed to be a supplier label for the purposes of section 337 if the label discloses <ul style="list-style-type: none"> (a) a product identifier; (b) where applicable, the fact that a material safety data sheet is available; and (c) all necessary risk phrases, precautionary measures and first aid measures that apply to the product. 	342. (1) Where a quantity of less than 10 kg of a controlled product packaged in a container originates from a laboratory supply house and is intended by the employer solely for use in a laboratory, a label supplied by the supplier and affixed to the container is deemed to be a supplier label for the purposes of section 337 if the label discloses <ul style="list-style-type: none"> (a) a product identifier; (b) where applicable, the fact that a material safety data sheet is available; and (c) all necessary risk phrases, precautionary measures and first aid measures that apply to the product. 	
(2) Where a sample of a product described in subsection (3) that is a controlled product or a product that a supplier or an employer has reason to believe may be a controlled product, a label provided by the supplier and affixed to the container received at the work site is deemed to be a supplier label for the purposes of section 337 if it meets the requirements of subsection (4).	(2) Where a sample of a product described in subsection (3) that is a controlled product or a product that a supplier or an employer has reason to believe may be a controlled product, a label provided by the supplier and affixed to the container received at the work site is deemed to be a supplier label for the purposes of section 337 if it meets the requirements of subsection (4).	
(3) Subsection (2) applies to a product that <ul style="list-style-type: none"> (a) is contained in a container that contains less than 10 kg of the product; (b) is intended by the supplier or the employer solely for analysis, testing or evaluation in a laboratory; and (c) is one with respect to which the 	(3) Subsection (2) applies to a product that <ul style="list-style-type: none"> (a) is contained in a container that contains less than 10 kg of the product; (b) is intended by the supplier or the employer solely for analysis, testing or evaluation in a laboratory; and (c) is one with respect to which the 	

<p>supplier is exempted pursuant to section 9 of the <i>Controlled Products Regulations</i>, SOR/88-66, from the requirement to provide a material safety data sheet.</p>	<p>supplier is exempted pursuant to section 9 of the <i>Controlled Products Regulations</i>, SOR/88-66, from the requirement to provide a material safety data sheet.</p>	
<p>(4) A label referred to in subsection (2) must</p> <ul style="list-style-type: none"> (a) disclose the product identifier; (b) disclose the chemical identity or generic chemical identity of any ingredient of the controlled product referred to in any of subparagraphs 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada), if known to the supplier or the employer; (c) disclose the supplier identifier; (d) contain the statement "Hazardous Laboratory Sample For hazard information or in an emergency call [insert telephone number referred to in subparagraph (e)]"; and (e) contain an emergency telephone number of the supplier that will enable: <ul style="list-style-type: none"> (i) a user of the controlled product to obtain hazard information with respect to the controlled product, and (ii) a medical profession to obtain, for the purpose of making a medical diagnosis of or rendering treatment to a person in an emergency, any information with respect to the controlled product that is referred to in paragraph 13(a) of the <i>Hazardous Products Act</i> (Canada) and is in the possession of the supplier. 	<p>(4) A label referred to in subsection (2) must</p> <ul style="list-style-type: none"> (a) disclose the product identifier; (b) disclose the chemical identity or generic chemical identity of any ingredient of the controlled product referred to in any of subparagraphs 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada), if known to the supplier or the employer; (c) disclose the supplier identifier; (d) contain the statement "Hazardous Laboratory Sample For hazard information or in an emergency call [insert telephone number referred to in subparagraph (e)]"; and (e) contain an emergency telephone number of the supplier that will enable: <ul style="list-style-type: none"> (i) a user of the controlled product to obtain hazard information with respect to the controlled product, and (ii) a medical professional to obtain, for the purpose of making a medical diagnosis of or rendering treatment to a person in an emergency, any information with respect to the controlled product that is referred to in paragraph 13(a) of the <i>Hazardous Products Act</i> (Canada) and is in the 	

	possession of the supplier.	
<p>(5) An employer is exempt from section 339 if the employer complies with subsection (6) with respect to a controlled product referred to in subsection (1) or (2) that</p> <ul style="list-style-type: none"> (a) is manufactured by the employer; or (b) in the case of a controlled product received from a supplier, is in a container other than the container in which it was received. 	<p>(5) An employer is exempt from section 339 if the employer complies with subsection (6) with respect to a controlled product referred to in subsection (1) or (2) that</p> <ul style="list-style-type: none"> (a) is manufactured by the employer; or (b) in the case of a controlled product received from a supplier, is in a container other than the container in which it was received. 	
<p>(6) For the purposes of subsection (5), an employer shall</p> <ul style="list-style-type: none"> (a) identify the controlled product through a combination of <ul style="list-style-type: none"> (i) any mode of identification that is visible to workers at the work site, and (ii) worker training; and (b) ensure that the mode of identification and worker training used enables the workers to readily identify and obtain either <ul style="list-style-type: none"> (i) the information required on a material safety data sheet or label, or (ii) a document disclosing the information referred to in paragraphs (4)(a) to (e) with respect to the controlled product or the sample. 	<p>(6) For the purposes of subsection (5), an employer shall</p> <ul style="list-style-type: none"> (a) identify the controlled product through a combination of <ul style="list-style-type: none"> (i) any mode of identification that is visible to workers at the work site, and (ii) worker training; and (b) ensure that the mode of identification and worker training used enables the workers to readily identify and obtain either <ul style="list-style-type: none"> (i) the information required on a material safety data sheet or label, or (ii) a document disclosing the information referred to in paragraphs (4)(a) to (e) with respect to the controlled product or the sample. 	
<p>(7) Where a controlled product is produced in a laboratory, an employer is exempt from section 339 if</p> <ul style="list-style-type: none"> (a) the controlled product is intended by the employer solely for evaluation, analysis or testing for research and development as 	<p>(7) Where a controlled product is produced in a laboratory, an employer is exempt from section 339 if</p> <ul style="list-style-type: none"> (a) the controlled product is intended by the employer solely for evaluation, analysis or testing for research and development as 	

<p>defined in the <i>Controlled Products Regulations, SOR/88-66</i>;</p> <p>(b) the controlled product is not removed from the laboratory;</p> <p>(c) the controlled product is clearly identified through a combination of</p> <p>(i) any mode of identification that is visible to workers at the work site, and</p> <p>(ii) worker training; and</p> <p>(d) the employer ensures that the mode of identification and worker training used enables workers to readily identify the controlled product and obtain:</p> <p>(i) the information required on a material safety data sheet, if one has been produced, or</p> <p>(ii) any other information that is necessary for the safe use, storage and handling of the controlled product.</p>	<p>defined in the <i>Controlled Products Regulations, SOR/88-66</i>;</p> <p>(b) the controlled product is not removed from the laboratory;</p> <p>(c) the controlled product is clearly identified through a combination of</p> <p>(i) any mode of identification that is visible to workers at the work site, and</p> <p>(ii) worker training; and</p> <p>(d) the employer ensures that the mode of identification and worker training used enables workers to readily identify the controlled product and obtain:</p> <p>(i) the information required on a material safety data sheet, if one has been produced, or</p> <p>(ii) any other information that is necessary for the safe use, storage and handling of the controlled product.</p>	
<p>Supplier Material Safety Data Sheets</p>	<p>Supplier Material Safety Data Sheets</p>	
<p>343. (1) An employer who acquires a controlled product for use at a work site shall obtain a supplier material safety data sheet with respect to that controlled product.</p>	<p>343. (1) An employer who acquires a controlled product for use at a work site shall obtain a supplier material safety data sheet with respect to that controlled product.</p>	
<p>(2) Where a supplier material safety data sheet obtained pursuant to subsection (1) is more than three years old, an employer shall, if possible, obtain from the supplier an up-to-date supplier material safety data sheet with respect to that controlled product.</p>	<p>(2) Where a supplier material safety data sheet obtained pursuant to subsection (1) is more than three years old, an employer shall, if possible, obtain from the supplier an up-to-date supplier material safety data sheet with respect to that controlled product.</p>	
<p>(3) Where an employer is unable to obtain an up-to-date supplier material safety data sheet pursuant to subsection (2), the employer shall add to the existing supplier material safety data</p>	<p>(3) Where an employer is unable to obtain an up-to-date supplier material safety data sheet pursuant to subsection (2), the employer shall add to the existing supplier material safety data</p>	

<p>sheet any new hazard information applicable to the controlled product on the basis of the ingredients disclosed in the existing supplier material safety data sheet.</p>	<p>sheet any new hazard information applicable to the controlled product on the basis of the ingredients disclosed in the existing supplier material safety data sheet.</p>	
<p>(4) An employer may provide a material safety data sheet that is in a format different from the format provided by the supplier or that contains additional hazard information if</p> <ul style="list-style-type: none"> (a) subject to section 346, the material safety data sheet provided by the employer contains no less information than the supplier material safety data sheet, or any lesser information that is acceptable to the Committee and representative, the occupational health and safety representative or, where there is no Committee or representative, the workers; and (b) the supplier material safety data sheet is available at the work site and the employer's material safety data sheet indicates that fact. 	<p>(4) An employer may provide a material safety data sheet that is in a format different from the format provided by the supplier or that contains additional hazard information if</p> <ul style="list-style-type: none"> (a) subject to section 346, the material safety data sheet provided by the employer contains no less information than the supplier material safety data sheet, or any lesser information that is acceptable to the Committee and representative; and (b) the supplier material safety data sheet is available at the work site and the employer's material safety data sheet indicates that fact. 	<p><u>Committee</u>: Simplified.</p>
<p>(5) Where a supplier is exempted by section 9 or 10 of the <i>Controlled Products Regulations</i> SOR/88-66, made under the <i>Hazardous Products Act</i> (Canada), from the requirement to provide a material safety data sheet for a controlled product, an employer is exempt from subsection (1).</p>	<p>(5) Where a supplier is exempted by section 9 or 10 of the <i>Controlled Products Regulations</i> SOR/88-66, made under the <i>Hazardous Products Act</i> (Canada), from the requirement to provide a material safety data sheet for a controlled product, an employer is exempt from subsection (1).</p>	
<p>Employer Material Safety Data Sheets</p>	<p>Employer Material Safety Data Sheets</p>	
<p>344. (1) Subject to section 346, where an employer produces a controlled product at a work site, the employer shall prepare a material safety data sheet with respect to the product that discloses the information required pursuant to the <i>Controlled Products Regulations</i> SOR/88-66,</p>	<p>344. (1) Subject to section 346, where an employer produces a controlled product at a work site, the employer shall prepare a material safety data sheet with respect to the product that discloses the information required pursuant to the <i>Controlled Products Regulations</i> SOR/88-</p>	

made under the <i>Hazardous Products Act</i> (Canada).	66, made under the <i>Hazardous Products Act</i> (Canada).	
(2) For purposes of subsection (1), "produces" does not include the production of a fugitive emission or of intermediate products undergoing reaction within a reaction or process vessel.	(2) For purposes of subsection (1), "produces" does not include the production of a fugitive emission or of intermediate products undergoing reaction within a reaction or process vessel.	
(3) An employer shall update the material safety data sheet referred to in subsection (1) (a) where new hazard information becomes available to the employer, as soon as is practicable but not later than 90 days after the new information becomes available; and (b) at least every three years.	(3) An employer shall update the material safety data sheet referred to in subsection (1) (a) where new hazard information becomes available to the employer, as soon as is practicable but not later than 90 days after the new information becomes available; and (b) at least every three years.	
(4) Subject to the <i>Hazardous Materials Information Review Act</i> (Canada), any employer who manufactures a controlled product at a workplace shall, at the request of a safety officer, any concerned worker at the site, the Committee, or in the absence of a Committee at the request of the representative of the workers at the workplace, disclose as soon as is practicable in the circumstances, the source of any toxicological data used in preparing the employer material safety data sheet.	(4) Subject to the <i>Hazardous Materials Information Review Act</i> (Canada), any employer who manufactures a controlled product at a workplace shall, at the request of a safety officer, any concerned worker at the site, the Committee, or in the absence of a Committee at the request of the representative of the workers at the workplace, disclose as soon as is practicable in the circumstances, the source of any toxicological data used in preparing the employer material safety data sheet.	
Availability of Material Safety Data Sheets	Availability of Material Safety Data Sheets	
345. (1) Subject to subsection (4), an employer shall ensure that a copy of a material safety data sheet required by section 343 or section 344 is made readily available (a) at a workplace to any worker who may be exposed to the controlled product; and (b) to the Committee or the representative.	345. (1) Subject to subsection (4), an employer shall ensure that a copy of a material safety data sheet required by section 343 or section 344 is made readily available (a) at a workplace to any worker who may be exposed to the controlled product; and (b) to the Committee or the representative.	
(2) Where a controlled product is received	(2) Where a controlled product is received	

<p>at a laboratory and the supplier has provided a material safety data sheet, an employer shall ensure that a copy of the material safety data sheet is readily available to any worker in the laboratory.</p>	<p>at a laboratory and the supplier has provided a material safety data sheet, an employer shall ensure that a copy of the material safety data sheet is readily available to any worker in the laboratory.</p>	
<p>(3) Where a controlled product is received or produced at a laboratory and the employer has produced a material safety data sheet, the employer shall ensure that the material safety data sheet is readily available to any worker in the laboratory.</p>	<p>(3) Where a controlled product is received or produced at a laboratory and the employer has produced a material safety data sheet, the employer shall ensure that the material safety data sheet is readily available to any worker in the laboratory.</p>	
<p>(4) A material safety data sheet may be made available on a computer terminal at a workplace if the employer</p> <ul style="list-style-type: none"> (a) takes all reasonable steps to keep the terminal in active working order; (b) makes the material safety data sheet readily available on the request of a worker; and (c) provides training in accessing computer-stored material safety data sheets: <ul style="list-style-type: none"> (i) to workers working at a workplace where the material safety data sheet is available on the terminal, and (ii) to members of the Committee or to the representative. 	<p>(4) A material safety data sheet may be made available on a computer terminal at a workplace if the employer</p> <ul style="list-style-type: none"> (a) takes all reasonable steps to keep the terminal in active working order; (b) makes the material safety data sheet readily available on the request of a worker; and (c) provides training in accessing computer-stored material safety data sheets: <ul style="list-style-type: none"> (i) to workers working at a workplace where the material safety data sheet is available on the terminal, and (ii) to members of the Committee or to the representative. 	<p><u>Stakeholders</u>: is the requirement necessary?</p> <p><u>Committee</u>: This subsection uses "may" and does not impose any requirement. What it does do is allow the employer to use a computer database rather than having volumes of paper on hand. This is innovative and modern and accommodating to employers and workers.</p>
<p>Omissions from a Material Safety Data Sheet</p>	<p>Omissions from a Material Safety Data Sheet</p>	
<p>346. Pending the final determination of an employer's claim for an exemption under section 347, the employer may, subject to any terms and conditions pursuant to that section, omit from a material safety data sheet required by section 343 or section 344 the information that is the subject of the claim, but shall not omit any hazard information.</p>	<p>346. Pending the final determination of an employer's claim for an exemption under section 347, the employer may, subject to any terms and conditions pursuant to that section, omit from a material safety data sheet required by section 343 or section 344 the information that is the subject of the claim, but shall not omit any hazard information.</p>	

Exemption from Disclosure	Exemption from Disclosure	
<p>347.(1) An employer may, if the employer considers such information to be confidential business information, claim an exemption from the requirement under these regulations to disclose any of the following information:</p> <ul style="list-style-type: none"> (a) the chemical identity or concentration of any ingredient of a controlled product; (b) the name of any toxicological study that identifies any ingredient of a controlled product; (c) the chemical name, common name, generic name, trade name or brand name of a controlled product; (d) information that could be used to identify a supplier of a controlled product. 	<p>347.(1) An employer may, if the employer considers such information to be confidential business information, claim an exemption from the requirement under these regulations to disclose any of the following information:</p> <ul style="list-style-type: none"> (a) the chemical identity or concentration of any ingredient of a controlled product; (b) the name of any toxicological study that identifies any ingredient of a controlled product; (c) the chemical name, common name, generic name, trade name or brand name of a controlled product; (d) information that could be used to identify a supplier of a controlled product. 	
<p>(2) A claim for an exemption under subsection (1) may, in the discretion of the Commission, be heard and determined by an officer or employee of the Commission in the same manner and subject to the terms and conditions as if the employer were an employer to whom the <i>Canada Labour Code</i> applies.</p>	<p>(2) A claim for an exemption under subsection (1) may, in the discretion of the Commission, be heard and determined by an officer or employee of the Commission in the same manner and subject to the terms and conditions as if the employer were an employer to whom the <i>Canada Labour Code</i> applies.</p>	
<p>(3) An appeal by a claimant or any affected party from a decision under subsection (2) may, in the discretion of the Commission, be heard and determined by an appeal board in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the <i>Canada Labour Code</i> applies.</p>	<p>(3) An appeal by a claimant or any affected party from a decision under subsection (2) may, in the discretion of the Commission, be heard and determined by an appeal board in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the <i>Canada Labour Code</i> applies.</p>	<p><u>Stakeholders:</u> Would appreciate some background information and rationale as to why other employers that do not fall under the Canada Labour Code would be treated as if they do? Is this to ensure there is a route to allow the exemption request to be heard?</p> <p><u>Committee:</u> Yes - to provide a route to hear the request.</p>
<p>(4) The Chief Safety Officer may publish in the <i>Northwest Territories Gazette</i> any notice respecting a claim for exemption or an appeal</p>	<p>(4) The Chief Safety Officer may publish in the <i>Northwest Territories Gazette</i> any notice respecting a claim for exemption or an appeal</p>	

<p>that would be required pursuant to the <i>Hazardous Materials Information Review Act</i> (Canada) to be published in the <i>Canada Gazette</i> if the employer were an employer to whom the <i>Canada Labour Code</i> applies.</p>	<p>that would be required pursuant to the <i>Hazardous Materials Information Review Act</i> (Canada) to be published in the <i>Canada Gazette</i> if the employer were an employer to whom the <i>Canada Labour Code</i> applies.</p>	
<p>Requirements for Disclosure Where Exemption Applies</p>	<p>Requirements for Disclosure Where Exemption Applies</p>	
<p>348. (1) An employer who files a claim for exemption under section 347 shall disclose on the material safety data sheet and the label</p> <ul style="list-style-type: none"> (a) the date that the claim for exemption was filed; and (b) the registry number assigned to the claim under the <i>Hazardous Materials Information Review Act</i> (Canada). 	<p>348. (1) An employer who files a claim for exemption under section 347 shall disclose on the material safety data sheet and the label</p> <ul style="list-style-type: none"> (a) the date that the claim for exemption was filed; and (b) the registry number assigned to the claim under the <i>Hazardous Materials Information Review Act</i> (Canada). 	<p><u>Stakeholders</u>: suggests (c) the hazard information.</p> <p><u>Committee</u>: This defeats the purpose of this subsection.</p>
<p>(2) Where an employer receives notice of a decision that a claim or portion of a claim referred to in subsection (1) is valid</p> <ul style="list-style-type: none"> (a) subsection (1) continues to apply <ul style="list-style-type: none"> (i) if there is no appeal, for a period of 30 days after the expiry of the appeal period, or (ii) if there is an appeal: <ul style="list-style-type: none"> (A) for a period of 30 days after the determination of the appeal, and (B) if there is a further appeal, until the final determination of that further appeal; and (b) the employer shall, before the end of the period described in subclause (a)(i) or (ii) and throughout the period ending on the last day of the exemption period stated in the decision, disclose on the required 	<p>(2) Where an employer receives notice of a decision that a claim or portion of a claim referred to in subsection (1) is valid</p> <ul style="list-style-type: none"> (a) subsection (1) continues to apply <ul style="list-style-type: none"> (i) if there is no appeal, for a period of 30 days after the expiry of the appeal period, or (ii) if there is an appeal: <ul style="list-style-type: none"> (A) for a period of 30 days after the determination of the appeal, and (B) if there is a further appeal, until the final determination of that further appeal; and (b) the employer shall, before the end of the period described in subparagraph (a)(i) or (ii) and 	

<p>material safety data sheet or label</p> <ul style="list-style-type: none"> (i) a statement that an exemption has been granted, (ii) the date of the decision granting the exemption, and (iii) the registry number assigned to the claim pursuant to the <i>Hazardous Materials Information Review Act</i> (Canada). 	<p>throughout the period ending on the last day of the exemption period stated in the decision, disclose on the required material safety data sheet or label</p> <ul style="list-style-type: none"> (i) a statement that an exemption has been granted, (ii) the date of the decision granting the exemption, and (iii) the registry number assigned to the claim pursuant to the <i>Hazardous Materials Information Review Act</i> (Canada). 	
<p>Information Confidential</p>	<p>Information Confidential</p>	
<p>349. (1) Subject to subsections (2) and (3), no officer and no other person who assists in the administration of this Part shall, during his or her employment or after the termination of his or her appointment or services, reveal any manufacturing or trade secrets that may come to the knowledge of the officer or other person in the course of his or her duties, except for the purposes of this Part, these regulations or as required by law.</p>	<p>349. (1) Subject to subsections (2) and (3), no officer and no other person who assists in the administration of this Part shall, during his or her employment or after the termination of his or her appointment or services, reveal any manufacturing or trade secrets that may come to the knowledge of the officer or other person in the course of his or her duties, except for the purposes of this Part, these regulations or as required by law.</p>	
<p>(2) For the purposes of subsection (3), "confidential information" means</p> <ul style="list-style-type: none"> (a) information that, prior to the determination of a claim pursuant to section 16 of the <i>Hazardous Materials Information Review Act</i> (Canada), is claimed to be confidential business information (i) by an employer manufacturing or using a controlled product, or 	<p>(2) For the purposes of subsection (3), "confidential information" means</p> <ul style="list-style-type: none"> (a) information that, prior to the determination of a claim pursuant to section 16 of the <i>Hazardous Materials Information Review Act</i> (Canada), is claimed to be confidential business information (i) by an employer manufacturing or using a controlled product, 	

<p>(ii) pursuant to the <i>Hazardous Materials Information Review Act</i> (Canada), by a supplier as defined in the <i>Hazardous Products Act</i> (Canada); or</p> <p>(b) information with respect to which, pursuant to section 16 of the <i>Hazardous Materials Information Review Act</i> (Canada)</p> <p>(i) a claim or portion of a claim for exemption pursuant to section 11 of the <i>Hazardous Materials Information Review Act</i> (Canada) has been determined valid, and</p> <p>(ii) compliance with the provisions of the <i>Hazardous Products Act</i> (Canada) or the <i>Canada Labour Code</i> has not been ordered.</p>	<p>or</p> <p>(ii) pursuant to the <i>Hazardous Materials Information Review Act</i> (Canada), by a supplier as defined in the <i>Hazardous Products Act</i> (Canada); or</p> <p>(b) information with respect to which, pursuant to section 16 of the <i>Hazardous Materials Information Review Act</i> (Canada)</p> <p>(i) a claim or portion of a claim for exemption pursuant to section 11 of the <i>Hazardous Materials Information Review Act</i> (Canada) has been determined valid, and</p> <p>(ii) compliance with the provisions of the <i>Hazardous Products Act</i> (Canada) or the <i>Canada Labour Code</i> has not been ordered.</p>	
<p>(3) Confidential information is privileged and, notwithstanding any other Act or law, shall not be disclosed to any other person unless the specific disclosure has been expressly authorized in writing by the commission or the appeal board, if</p> <p>(a) for the purposes of the administration or enforcement of this Act, the information</p> <p>(i) is communicated to the Government of the Northwest Territories or any agent or employee of the Government of the Northwest Territories by the commission or an agent or employee of the commission, or</p> <p>(ii) is obtained by the Government of the Northwest Territories or</p>	<p>(3) Confidential information is privileged and, notwithstanding any other Act or law, shall not be disclosed to any other person unless the specific disclosure has been expressly authorized in writing by the Commission or the appeal board, if</p> <p>(a) for the purposes of the administration or enforcement of this Act, the information</p> <p>(i) is communicated to the Government of the Northwest Territories or any agent or employee of the Government of the Northwest Territories by the Commission or an agent or employee of the Commission, or</p> <p>(ii) is obtained by the Government</p>	<p><u>Stakeholders</u>: should this be "C" commission is it the WSCC Commission?</p> <p><u>Committee</u>: The term "Commission" is defined for this Part in s. 333 with an upper case "C". The Commission is not WSCC, but the Hazardous Materials Information Review Commission established under the federal <i>Hazardous Materials Information Review Act</i>.</p>

<p>an agent or employee of the Government of the Northwest Territories from the commission or the appeal board through the inspection of or access to any book, record, writing or other document, of the commission or appeal board; or</p> <p>(b) the information is obtained by any person for the purposes of or through the administration or enforcement of this Act, the <i>Hazardous Products Act</i> (Canada) or the <i>Hazardous Materials Information Review Act</i> (Canada).</p>	<p>of the Northwest Territories or an agent or employee of the Government of the Northwest Territories from the Commission or the appeal board through the inspection of or access to any book, record, writing or other document, of the Commission or appeal board; or</p> <p>(b) the information is obtained by any person for the purposes of or through the administration or enforcement of this Act, the <i>Hazardous Products Act</i> (Canada) or the <i>Hazardous Materials Information Review Act</i> (Canada).</p>	
<p>Disclosure of Information in Medical Emergencies</p>	<p>Disclosure of Information in Medical Emergencies</p>	
<p>350. (1) An employer shall, in respect of any controlled product present or which was present at the work site, provide, as soon as is practicable in the circumstances, any the following information that is in the possession of the employer to any medical practitioner who requests information on the controlled product for the purpose of making a medical diagnosis of, or rendering medical treatment to a person in an emergency:</p> <p>(a) where the controlled product is a pure substance, the chemical or biological identity of the controlled product and, where the controlled product is not a pure substance, the chemical or biological identity of any ingredient of it that is a controlled product and the concentration of that ingredient;</p>	<p>350. (1) An employer shall, in respect of any controlled product present or which was present at the work site, provide, as soon as is practicable in the circumstances, any of the following information that is in the possession of the employer to any medical professional who requests information on the controlled product for the purpose of making a medical diagnosis of, or rendering medical treatment to a person in an emergency:</p> <p>(a) where the controlled product is a pure substance, the chemical or biological identity of the controlled product and, where the controlled product is not a pure substance, the chemical or biological identity of any ingredient of it that is a controlled product and the concentration of that ingredient;</p>	

<p>(b) where the controlled product contains an ingredient that is included in the Ingredient Disclosure List and the ingredient is in a concentration that is equal to or greater than the concentration specified in the Ingredient Disclosure List for that ingredient, the chemical or biological identity and concentration of that ingredient;</p> <p>(c) the chemical or biological identity of any ingredient of the controlled product that the employer has reasonable grounds to believe may be harmful to a worker and the concentration of that ingredient;</p> <p>(d) the chemical or biological identity of any ingredient of the controlled product of which the toxicological properties are not known to the employer and the concentration of that ingredient; and</p> <p>(e) any prescribed information with respect to the controlled product.</p>	<p>(b) where the controlled product contains an ingredient that is included in the Ingredient disclosure List and the ingredient is in a concentration that is equal to or greater than the concentration specified in the Ingredient Disclosure List for that ingredient, the chemical or biological identity and concentration of that ingredient;</p> <p>(c) the chemical or biological identity of any ingredient of the controlled product that the employer has reasonable grounds to believe may be harmful to a worker and the concentration of that ingredient;</p> <p>(d) the chemical or biological identity of any ingredient of the controlled product of which the toxicological properties are not known to the employer and the concentration of that ingredient; and</p> <p>(e) any prescribed information with respect to the controlled product.</p>	
<p>(2) A medical practitioner to whom information is provided pursuant to subsection (1) shall keep confidential any information that the employer specifies as confidential except for the purposes it is provided.</p>	<p>(2) A medical professional to whom information is provided pursuant to subsection (1) shall keep confidential any information that the employer specifies as confidential except for the purposes it is provided.</p>	
<p>PART 23 RADIATION</p>	<p>PART 23 RADIATION</p>	<p><u>Committee</u>: This entire Part follows the general structure of the <i>Saskatchewan Radiation Health and Safety Regulations</i>.</p>
<p>Interpretation</p>	<p>Interpretation</p>	<p><u>Stakeholders</u>: should we add "or to a nuclear substance"?</p> <p><u>Committee</u>: At revised s. 334(1)(d) this term is</p>

		<p>defined in relation to (s. 1) of the <i>Nuclear Safety and Control Act</i> (Canada):</p> <p>"nuclear substance" means</p> <ul style="list-style-type: none"> (a) deuterium, thorium, uranium or an element with an atomic number greater than 92; (b) a derivative or compound of deuterium, thorium, uranium or of an element with an atomic number greater than 92; (c) a radioactive nuclide; (d) a substance that is prescribed as being capable of releasing nuclear energy or as being required for the production or use of nuclear energy; (e) a radioactive by-product of the development, production or use of nuclear energy; and (f) a radioactive substance or radioactive thing that was used for the development or production, or in connection with the use, of nuclear energy. <p>All things that are "nuclear substances" under that Act fall within federal control (s. 3 of that Act). Therefore the term should not be used in these regulations as its use may lead to confusion with the federal Act.</p>
<p>351. In this Part,</p> <p>"associated apparatus" means any piece of equipment using or associated with radiation which might be hazardous to any person;</p>	<p>351. In this Part,</p> <p>"associated apparatus" means any piece of equipment using or associated with radiation which might be hazardous to any person;</p>	
	<p>"committed dose" means the equivalent dose</p>	<p><u>Committee</u>: "committed dose", "effective dose",</p>

	received by any organ or tissue of the body of a person from the intake of any radioactive substance, other than radon or radon progeny, during the period of 50 years immediately following the intake;	"five-year dosimetry dose", "irradiance", "National Dose Registry", and "one-year dosimetry period" are added. Sections 354, 354.1, 354.2, 359 and 359.1 have been redrafted or added. See comments at section 354.
"electromagnetic radiation" means energy in the form of electromagnetic fields emitted from any source, and includes extremely low frequency radiation, radio frequency radiation, infrared radiation, visible light, ultraviolet radiation, x-rays and gamma rays;	"electromagnetic radiation" means energy in the form of electromagnetic fields emitted from any source, and includes extremely low frequency radiation, radio frequency radiation, infrared radiation, visible light, ultraviolet radiation, x-rays and gamma rays;	
	"effective dose" means the sum of the products, in sieverts, obtained by multiplying the equivalent dose of radiation received by and committed to each organ or tissue set out in column 1 of Schedule S.1 by the weighting factor set out in column 2 of that item;	<u>Committee</u> : Schedule S.1 added.
"extremely low frequency radiation" means electromagnetic radiation in the frequency range below 3 kHz;	"extremely low frequency radiation" means electromagnetic radiation in the frequency range below 3 kHz;	
	"five-year dosimetry period" means the period of five calendar years beginning on the date that these regulations come into force and every period of five calendar years after that period;	
"ionizing radiation" means any atomic or subatomic particle, or electromagnetic wave emitted or produced directly or indirectly by a machine or radioactive isotope and having sufficient kinetic or quantum energy to produce ionization;	"ionizing radiation" means any atomic or subatomic particle, or electromagnetic wave emitted or produced directly or indirectly by a machine or radioactive isotope and having sufficient kinetic or quantum energy to produce ionization;	
"ionizing radiation equipment" means a device capable of emitting ionizing radiation, but does not include (a) equipment operated at less than 15 kV and that produces radiation that is incidental to the principal use or purpose of the equipment,	"ionizing radiation equipment" means a device capable of emitting ionizing radiation, but does not include (a) equipment operated at less than 15 kV and that produces radiation that is incidental to the principal use or purpose of the equipment,	

<p>(b) equipment that is in storage, in transit or not being used or equipment operated in such a manner that it cannot produce radiation,</p> <p>(c) any radioactive substance, or</p> <p>(d) any other equipment or class of equipment excluded as ionizing radiation equipment in the code of practice;</p>	<p>(b) equipment that is in storage, in transit or not being used or equipment operated in such a manner that it cannot produce radiation,</p> <p>(c) any radioactive substance, or</p> <p>(d) any other equipment or class of equipment excluded as ionizing radiation equipment in the code of practice;</p>	
<p>“ionizing radiation installation” means the whole or any part of a building or other place in which ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that ionizing radiation equipment;</p>	<p>“ionizing radiation installation” means the whole or any part of a building or other place in which ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that ionizing radiation equipment;</p>	
	<p>“irradiance” means the radiant power incident per unit area expressed in watts per square metre;</p>	
<p>“laser” means an optical source that emits coherent, monochromatic radiation from a solid state, gaseous or liquid lasing source;</p>	<p>“laser” means an optical source that emits coherent, monochromatic radiation from a solid state, gaseous or liquid lasing source;</p>	
<p>“laser device” means a device that incorporates a laser;</p>	<p>“laser device” means a device that incorporates a laser;</p>	
<p>“laser light show” means a form of entertainment that incorporates the use of any laser or laser device;</p>	<p>Removed</p>	<p><u>Committee</u>: This definition is not used so it is deleted.</p>
	<p>“National Dose Registry” means the centralized record-keeping system containing the dose information of radiation workers in Canada that is maintained by Health Canada;</p>	
<p>“non-ionizing radiation” includes energy in the form of electromagnetic waves in the frequency range below that for which ionization occurs;</p>	<p>“non-ionizing radiation” includes energy in the form of electromagnetic waves in the frequency range below that for which ionization occurs;</p>	
<p>“non-ionizing radiation equipment” means any equipment or substance that is capable of emitting non-ionizing radiation;</p>	<p>Removed</p>	
<p>“non-ionizing radiation installation” means the whole or any part of a building or other place in</p>	<p>Removed</p>	<p><u>Committee</u>: References to non-ionizing installations have been removed along with the</p>

which non-ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that non-ionizing radiation equipment;		approval provisions for these types of installations in section 361 of the consultation draft. The focus of safety is on ionizing radiation.
“occupational worker” means a worker who, in the course of the worker’s duties, business, professional activities, studies or training (a) is exposed to radiation, and (b) might receive radiation exposure in excess of exposure levels or dose limits that are specified for members of the public;	“occupational worker” means a worker who, in the course of the worker’s duties, business, professional activities, studies or training (a) is exposed to radiation, and (b) might receive radiation exposure in excess of exposure levels or dose limits that are specified for members of the public;	<u>Stakeholders</u> : re: occupational worker is defined however we also use the word worker in this part do we mean both or should it all be occupational worker? <u>Committee</u> : The set of all "occupational workers" is a subset of the set of all "workers".
	"one-year dosimetry period" means the period of one calendar year beginning on January 1 of each year;	
	"operator" means a person who uses or controls the use of any radiation equipment;	
“owner” means a person who uses or controls the use of any radiation equipment and includes the employer;	"owner" means a person having management and control of a radiation installation or radiation equipment, or both;	
“radio frequency radiation” means electromagnetic radiation in the frequency range from 3 kHz to 300 GHz;	“radio frequency radiation” means electromagnetic radiation in the frequency range from 3 kHz to 300 GHz;	
“radiation” includes ionizing radiation and non-ionizing radiation;	“radiation” includes ionizing radiation and non-ionizing radiation;	
“radiation equipment” includes ionizing radiation equipment and non-ionizing radiation equipment;	“radiation equipment” includes ionizing radiation equipment and any equipment or substance that is capable of emitting non-ionizing radiation;	<u>Committee</u> : This definition is modified since non-ionizing radiation equipment" definition is no longer needed.
“ultraviolet radiation” means electromagnetic radiation in the wavelength from 100 nm to 400 nm;	“ultraviolet radiation” means electromagnetic radiation in the wavelength from 100 nm to 400 nm;	
“use” includes construct, demonstrate, test, operate, handle, repair, service and maintain.	“use” includes construct, demonstrate, test, operate, handle, repair, service and maintain.	
Application	Removed	
352. This part does not apply at a nuclear facility as defined in the <i>Nuclear Safety and Control Act</i>	Removed	<u>Committee</u> : This section is not necessary, as territorial laws cannot apply to federally

(Canada).		regulated matters.
General Duties of Employers		
<p>353. (1) An employer shall, at a work site,</p> <ul style="list-style-type: none"> (a) monitor the use or presence of, or a worker's exposure to, any ionizing radiation or non-ionizing radiation; (b) where reasonably practicable, substitute less hazardous or harmful radiation equipment that emits a minimum of ionizing radiation or non-ionizing radiation; (c) to the extent that is reasonably practicable, reduce any contamination of the work site by ionizing radiation or non-ionizing radiation; (d) develop and implement work procedures and processes that are as safe as is reasonably practicable for the handling, use, storage, production and disposal of ionizing radiation equipment and non-ionizing radiation equipment and substances; and (e) develop and implement work procedures and processes that are as safe as is reasonably practicable for the handling, use, storage, production and disposal of substances that have become contaminated by radiation. 	Removed	<p><u>Stakeholders:</u> Suggest to add the following: Should include the additional term "generating". Therefore, suggested wording " ... for the generating, handling, use, storage ..."</p> <p><u>Committee:</u> There are no real general duties; all duties are specific. Section removed.</p>
<p>(2) An employer shall take all practicable steps to prevent exposure of a worker, to an extent that is likely to be harmful to the worker, to</p> <ul style="list-style-type: none"> (a) radiation; or (b) radiation in combination or 	Removed	

<p>association with any other chemical or biological substance present that may be hazardous.</p>		
<p>(3) In addition to any other requirements in these regulations, an employer shall, in accordance with an approved standard,</p> <ul style="list-style-type: none"> (a) inform the workers of the nature and degree of the effects to their health or safety of any radiation to which the workers are exposed in the course of their work; and (b) provide the workers with adequate training with respect to <ul style="list-style-type: none"> (i) work procedures and processes developed pursuant to paragraphs (1)(d) and (e), and (ii) the proper use of any personal protective equipment required by these regulations. 	<p>Removed</p>	
<p>(4) An employer shall make available to the Committee, the occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers</p> <ul style="list-style-type: none"> (a) the results of any measurements of worker exposure to, and contamination of a work site by, radiation; and (b) any steps taken to reduce the contamination of a work site by, and eliminate or reduce exposure of the workers to, radiation. 	<p>Removed</p>	<p><u>Stakeholders</u>: Needs clarification on the reporting requirements are the results to be made available routinely (give them all results up front) or make the results available upon request?</p> <p><u>Committee</u>: Section removed.</p>
<p>Standard and Code of Practice for Ionizing Radiation</p>	<p>Ionizing Radiation Dose Limits</p>	
<p>354. (1) The following codes or standards are adopted:</p> <ul style="list-style-type: none"> (a) the International Atomic Energy 	<p>354. (1) An owner of ionizing radiation equipment shall ensure that the effective dose received by and committed to a person described</p>	<p><u>Stakeholders</u>: Has the Canada Safety Code 33 (mammography) and 35 (general radiation) been taken into consideration in developing these</p>

<p>Agency standard, <i>International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources, Safety Series No. 115</i> (Vienna: IAEA, 1996), as amended from time to time; and</p> <p>(b) the International Labour Organization Code of Practice entitled <i>Radiation Protection of Workers (Ionising Radiations)</i> (Geneva: International Labour Office, 1987), as amended from time to time, as a code of practice.</p>	<p>in column 1 of Schedule S.2 during a period set out in column 2 of that Schedule is as low as is reasonably achievable with economic and social factors taken into consideration and does not exceed the effective dose set out in column 3 of that Schedule.</p>	<p>provisions?</p> <p><u>Committee</u>: Both codes may be adopted in a code of practice.</p> <p>There are a number of problems with the original section 354:</p> <ul style="list-style-type: none"> • Maximum exposure limits need to be stated. • How those limits are measured and calculated needs to be stated. • What to do if those limits are exceeded. • Notification signs
<p>(2) The Chief Safety Officer shall approve of and issue a code of practice for the standards and codes adopted under subsection (1).</p>	<p>(2) If the effective dose received by an occupational worker in a one-year dosimetry period exceeds 20 millisieverts, the owner of the ionizing radiation equipment shall submit to the Chief Safety Officer a written report explaining in full the circumstances in which the dose arose and summarizing the steps that will be taken to minimize the possibility of similar doses arising in the future.</p>	<p>The revision adds these and there is consistency with the <i>Radiation Protection Regulations</i> (Canada) (SOR/2000-203).</p> <p><u>Stakeholders</u>: Why, in this section, are existing codes or standards referred to, while of other sections in this document the information is redrafted/paraphrased?</p>
	<p>(3) Every owner of ionizing radiation equipment must ensure that the equivalent dose received by and committed to an organ or tissue set out in column 1 of Schedule S.3 of a person described in column 2 of that item, during the period set out in column 3 of that item, does not exceed the equivalent dose set out in column 4 of that item.</p>	<p><u>Committee</u>: At the time the consultation draft was prepared, the incorporation of these items of quasi-legislation was an attempt to avoid having to state the exposure and dose formulas (and specifically the effective dose calculations). On further review of national legislation, this cannot be avoided.</p> <p>Note a new Schedule S.2 is added to address doses.</p>
	<p>Effective Dose Calculation</p>	
	<p>354.1. (1) In this section, "ALI", as the acronym for annual limit on intake,</p>	<p><u>Committee</u>: This section was missing from the consultation draft. These provisions are necessary as they represent harmonization with</p>

	means the activity, in becquerels of a radionuclide that will deliver an effective dose of 20 millisieverts during the 50-year period after it is taken into the body of an adult or during the period beginning at the intake and ending at age 70 after it is taken into the body of a person less than 18 years of age;	legislation from other jurisdictions.
	"E" means the portion of the effective dose, in millisieverts (a) received by the person from sources outside the body and includes x-rays, Canadian Nuclear Safety Commission (CNSC) licensed activities or other sources of radiation arising from human activity, and (b) received by and committed to the person from sources inside the body, measured directly or from excreta;	
	"I" means the activity, in becquerels, of any radionuclide that is taken into the body, excluding radon progeny and the activity of other radionuclides accounted for in the determination of E;	
	"Rn" means the average annual concentration in the air, in becquerels per cubic metre (m ³), of radon 222 that is attributable to a CNSC licensed activity;	
	"RnP" means the exposure to radon progeny in working level months that is attributable to a CNSC licensed activity;	
	"ΣI/ALI" means the sum of the ratios of I to the corresponding ALI.	
	(2) For the purposes of item 1 of Schedule S.2, the effective dose is the amount ED, expressed in millisieverts, calculated in	

	<p>accordance with the following formula:</p> $ED = E + 5RnP = 20\sum \frac{I}{ALI}$	
	<p>(3) For the purposes of item 2 of Schedule S.2, the effective dose is the amount ED, expressed in millisieverts, calculated in accordance with the following formula:</p> $ED = E + 20\sum \frac{I}{ALI}$	
	<p>(4) For the purposes of item 3 of Schedule S.2, the effective dose is the amount ED, expressed in millisieverts, calculated in accordance with either of the following formulas:</p> $ED = E + \frac{Rn}{60} + 20\sum \frac{I}{ALI}$ $ED = E + 4RnP + 20\sum \frac{I}{ALI}$	
	Monitoring of Dose	
	<p>354.2. (1) An owner of ionizing radiation equipment shall ensure that the effective dose and equivalent dose received by an occupational worker is systematically determined.</p>	<p><u>Committee</u>: Consistent with national legislation.</p>
	<p>(2) An owner of ionizing radiation equipment shall ensure that the dose of an occupational worker determined by monitoring pursuant to subsection (1) is reported to the National Dose Registry and to the Chief Safety Officer not less than once every three months.</p>	
	<p>(3) Subsection (2) does not apply to a dose of less than 0.25 millisievert received by an occupational worker in a period of three months.</p>	
	<p>(4) For the purpose of assessing compliance with the limits set by these regulations, the</p>	

	current reading entered into the National Dose Registry with respect to an occupational worker is deemed to be the actual dose received by the occupational worker.	
	(5) If, in the opinion of a safety officer, the circumstances warrant it, the officer may require an owner to investigate the exposure of an occupational worker to ionizing radiation and report the results of the investigation to the Chief Safety Officer without delay.	
	Dosimeter	
	359. If an occupational worker may receive an effective dose greater than 1 millisievert in a one-year period, the owner of the ionizing radiation equipment shall arrange for a thermoluminescent dosimeter to be issued by a dosimetry service provider licensed under the <i>Nuclear Safety and Control Act</i> (Canada).	
	Records of Dose	
	359.1. (1) An owner or operator who employs occupational workers or who is in charge of training occupational workers shall maintain a separate cumulative record on a continuous and permanent basis for each occupational worker showing <ul style="list-style-type: none"> (a) all measurements pertaining to the actual dose received, both externally and internally, by the worker for the current one-year and five-year dosimetry periods; and (b) the committed doses received from any radioactive substances deposited within the body of the worker that have been determined by any monitoring or sampling procedures followed at the work site or from any bio-assay 	<u>Committee</u> : This is new. It is based on national legislation. The lack of dosage information for exposure was a flaw in the previous draft. This is corrected.

	procedures that have been carried out.	
	(2) An owner or operator mentioned in subsection (1) shall inform each occupational worker of his or her dose at intervals not exceeding three months.	
	Pregnancy of Occupational Worker	[Moved from below]
	360. (1) An occupational worker who becomes aware that she is pregnant shall immediately inform the owner or operator of the ionizing radiation installation or of any ionizing radiation equipment that she is pregnant.	<p><u>Stakeholders:</u> ISSUE: "owner or operator". Does notifying immediate supervisor constitute informing the owner or operator? It would appear not, since the supervisor is not the employer/owner.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • If the worker is an employee, yes, notifying her supervisor would constitute notice to her employer: one of the functions of a supervisor would be to pass on such information to other people in the chain of command who need to know. • If the worker is not an employee, but an independent or quasi-independent operator, she will need to inform whoever gave her the right to operate the equipment. • This is something to be clarified in internal procedures: <p><u>Stakeholders:</u> Why has the language changed from owner to owner/operator? It is confusing and unclear as to whom the pregnancy must be reported.</p> <p><u>Committee:</u> There was a fundamental flaw in the consultation draft with respect to the use of "owner". This has been studied and corrected in</p>

		the redraft including with the added definition of "operator". In this case "owner or operator" is correct since the two could be different.
	<p>(2) An owner or operator of ionizing radiation equipment who employs occupational workers or who is in charge of training occupational workers shall advise those occupational workers</p> <p>(a) of their obligation pursuant to subsection (1); and</p> <p>(b) that, if an occupational worker suspects she is pregnant, she shall inform immediately the owner or operator.</p>	<p><u>Stakeholders:</u> Ss. (1) only requires the worker to notify the employer when she knows she is pregnant, not when she "suspects"; it might be a good precautionary move to notify earlier, but should it be mandatory?</p> <p><u>Committee:</u> "Must" is changed to "shall". It is now mandatory.</p>
	<p>(3) On being informed by an occupational worker that she is pregnant or suspects she is pregnant, the owner or operator shall, in order to comply with subsection 354(1), reassess and, if necessary, revise the employment duties or educational activities of the worker.</p>	<p><u>Committee:</u> Changed to correspond to revised ss. 354(1)</p>
Ionizing Radiation Installation	Ionizing Radiation Installation	
<p>355. (1) In this section, "substantial alteration" includes</p> <p>(a) in respect of any ionizing radiation equipment which emits a primary beam outside the housing of the equipment, any alteration or change of position which causes the equipment to be capable of emitting a primary beam in directions other than those for which approval was granted when the plans for the installation were approved;</p> <p>(b) any alteration in the shielding properties of the room or other place in which the ionizing radiation equipment is placed or installed;</p>	<p>355. (1) In this section, "substantial alteration" includes</p> <p>(a) in respect of any ionizing radiation equipment which emits a primary beam outside the housing of the equipment, any alteration or change of position which causes the equipment to be capable of emitting a primary beam in directions other than those for which approval was granted when the plans for the installation were approved;</p> <p>(b) any alteration in the shielding properties of the room or other place in which the ionizing radiation equipment is placed or installed;</p>	<p><u>Stakeholders:</u> Currently alterations [in a medical facility] require review by medical physician, has this requirement been eliminated in these regulations?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> Stakeholder probably means a medical physicist or radiation safety officer, rather than a medical physician (see Health Canada Code 35). Health Canada Code 35 is quasi-legislation. It may have been followed in medical facilities, but no requirement to do so ever existed, because there is no legislation in NT or NU concerning radiation health safety.

<p>(c) any increase in the maximum generating voltage or maximum beam current of ionizing radiation equipment in an installation; and</p> <p>(d) the placement or installation of any units of ionizing radiation equipment in an ionizing radiation installation in excess of the number of units approved when the plans for installation were approved.</p>	<p>(c) any increase in the maximum generating voltage or maximum beam current of ionizing radiation equipment in an installation; and</p> <p>(d) the placement or installation of any units of ionizing radiation equipment in an ionizing radiation installation in excess of the number of units approved when the plans for installation were approved.</p>	
<p>(2) No person shall do any of the following, unless a plan of the proposed installation or proposed alteration has been approved in writing by the Chief Safety Officer:</p> <p>(a) establish or cause to be established an ionizing radiation installation for any purpose; or</p> <p>(b) make or cause to be made any substantial alteration in any ionizing radiation installation.</p>	<p>(2) No person shall do any of the following, unless a plan of the proposed installation or proposed alteration has been approved in writing by the Chief Safety Officer:</p> <p>(a) establish or cause to be established an ionizing radiation installation for any purpose; or</p> <p>(b) make or cause to be made any substantial alteration in any ionizing radiation installation.</p>	
<p>(3) The Chief Safety Officer may withhold approval of a plan submitted for approval under subsection (2) until satisfied that the ionizing radiation installation will be constructed or altered in such a manner that all reasonable precautions are taken to avoid danger to the health of any person.</p>	<p>(3) The Chief Safety Officer may withhold approval of a plan submitted for approval under subsection (2) until satisfied that the ionizing radiation installation will be constructed or altered in such a manner that all reasonable precautions are taken to avoid danger to the health of any person.</p>	<p><u>Stakeholders:</u> re: subsections (3) and (4) This does not allow us to respond as we are mandated to do during a pandemic response or mass casualties in which setting we may be moving portable units to the high school and setting up lead shields prior ahead of time. We need an exemption for emergencies.</p> <p><u>Committee:</u> Pandemic or mass casualty response is likely something that a medical or other health care facility will use for the purpose of making diagnoses. Subsection (5) provides an exemption for mobile equipment used for diagnosis. The CSO should normally be involved in any emergency response plan that included the possibility of relocating a permanent installation</p>

		during an emergency.
(4) No person shall use any mobile ionizing radiation equipment in any location other than one approved by the Chief Safety Officer.	(4) No person shall use any mobile ionizing radiation equipment in any location other than one approved by the Chief Safety Officer.	<u>Stakeholders:</u> With respect to subsection (4), all it says is that whatever mobile ionizing radiation equipment is used, the CSO has to approve of the location of its use. Is the approval for the location or for the equipment? <u>Committee:</u> The location, but see also subsection (5)
(5) Subsection (4) does not apply to an owner of mobile ionizing radiation equipment used in medical, dental, chiropractic or other health care facilities for the purpose of making a diagnosis on a patient or used exclusively in a veterinary practice.	(5) Subsection (4) does not apply to an owner of mobile ionizing radiation equipment used in medical, dental, chiropractic or other health care facilities for the purpose of making a diagnosis on a patient or used exclusively in a veterinary practice.	<u>Stakeholders:</u> This exemption is much broader than what [we are] requesting it applies even outside of emergencies. <u>Committee:</u> Agree. This is for equipment designed to be safely moved regularly from place to place.
Periodic Reporting After Installation	Periodic Reporting After Alteration or Installation	<u>Committee:</u> Heading revised.
356. (1) An owner shall, within one month of the day of any of the following events, furnish the Chief Safety Officer with a written statement setting forth particulars of that event: (a) ionizing or radiation equipment comes under the owner’s control; (b) ionizing or radiation equipment that is under the owner’s control is substantially altered.	356. (1) An owner shall, within one month of the day of any of the following events, furnish the Chief Safety Officer with a written statement setting forth particulars of that event: (a) ionizing radiation equipment comes under the owner’s control; (b) ionizing radiation equipment that is under the owner’s control is substantially altered.	<u>Committee:</u> The consultation draft used "ionizing or radiation equipment". This is changed to "ionizing radiation equipment". Without the change non-ionizing radiation equipment would be included. The heading is altered to reflect the scope of section.
(2) Every owner of any mobile ionizing radiation equipment shall (a) furnish the Chief Safety Officer with the statement referred to in subsection (1) within 15 days after the modification or alteration is made; and (b) if required to do so, furnish the Chief Safety Officer with an itinerary, with updates from time to time, for the equipment containing the following	(2) Every owner of any mobile ionizing radiation equipment shall (a) furnish the Chief Safety Officer with the statement referred to in subsection (1) within 30 days after the modification or alteration is made; and (b) if required to do so, furnish the Chief Safety Officer with an itinerary, with updates from time to time, for the equipment containing the following	<u>Stakeholders:</u> "mobile ionizing radiation equipment" Does this include medical equipment? <u>Committee:</u> <ul style="list-style-type: none"> It means any "ionizing radiation equipment" as defined in section 351, but it would include mobile medical ionizing equipment. All ionizing radiation equipment that is mobile would fall within the scope of this

<p>particulars: (i) the days on which the equipment will be used; (ii) the locations where the equipment will be used on those days under subparagraph (i); (iii) a phone number through which the operator can be contacted on the days of equipment use.</p>	<p>particulars: (i) the days on which the equipment will be used; (ii) the locations where the equipment will be used on those days under subparagraph (i); (iii) a phone number through which the operator can be contacted on the days of equipment use.</p>	<p>provision, whether or not it is medical equipment.</p> <ul style="list-style-type: none"> • Notification period increased to 30 days as in rest of this Part.
<p>(3) Every owner shall, during the month of January in each year, furnish the Chief Safety Officer with a statement, setting forth particulars of all ionizing radiation installations and ionizing radiation equipment then under the owner's control.</p>	<p>(3) An owner shall, during the month of January in each year, furnish the Chief Safety Officer with a statement, setting forth particulars of all ionizing radiation installations and ionizing radiation equipment then under the owner's control.</p>	<p><u>Stakeholders:</u> Does this require each [Health] Authority to file an annual report on existing equipment? This seems to be a new requirement that poses a burden.</p> <p><u>Committee:</u> If the Health Authority is the owner, then the answer is yes. Presumably an owner of ionizing radiation installations and equipment will be tracking it already. If the owner is not doing so, it will be required to do so.</p>
<p>Manufacture and Use of Ionizing Radiation Equipment</p>	<p>Manufacture and Use of Ionizing Radiation Equipment</p>	
	<p>357. (1) In this section, "owner" includes (a) a vendor until the vendor relinquishes control of ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor, and (b) any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus.</p>	<p><u>Committee:</u> This subsection is added. It helps to clarify "owner" in this section.</p>
<p>357. (1) The owner of any ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used</p>	<p>(2) The owner of ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured in such a manner that</p>	

<p>(a) in compliance with these regulations; and (b) in such a manner that (i) no person will be unnecessarily exposed to ionizing radiation from that equipment or apparatus, and (ii) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the dose limits set out in the standard referred to under subsection 354(1).</p>	<p>(a) no person will be unnecessarily exposed to ionizing radiation from that equipment or apparatus, and (b) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the dose limits set out in subsection 354(1).</p>	
<p>(2) An operator of ionizing radiation equipment or associated apparatus shall use the equipment (a) in compliance with the manufacturer’s or supplier’s instructions; and (b) in a manner prescribed in paragraph (1)(b).</p>	<p>(3) An operator of ionizing radiation equipment or associated apparatus shall use the equipment (a) in compliance with the manufacturer’s or supplier’s instructions; and (b) in a manner prescribed in paragraph (2)(b).</p>	
<p>(3) An operator of ionizing radiation equipment or associated apparatus shall ensure that a competent and qualified person inspects that equipment for safe operating condition and calibration in a manner as set out in the manufacturer’s or supplier’s instructions.</p>	<p>(4) An operator of ionizing radiation equipment or associated apparatus shall ensure that a competent and qualified person inspects that equipment for safe operating condition and calibration in a manner as set out in the manufacturer’s or supplier’s instructions.</p>	
<p>(4) Nothing in this section limits or extinguishes any liability to which a vendor, manufacturer, owner, employer, operator or any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus may be subject.</p>	<p>(5) Nothing in this section limits or extinguishes any liability to which a vendor, manufacturer, owner, employer, operator or any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus may be subject.</p>	
<p>Qualifications for Management, Control or Operation</p>	<p>Qualifications for Management, Control or Operation</p>	
<p>358. (1) No person shall manage or control an</p>	<p>358. (1) No person shall manage or control an</p>	

<p>ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings unless the person</p> <ul style="list-style-type: none"> (a) is qualified under an Act to provide persons with care and treatment by means of ionizing radiation equipment; or (b) employs an individual who meets the requirements of paragraph (a) to attend to the operation of the ionizing radiation installation or ionising radiation equipment. 	<p>ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings unless the person</p> <ul style="list-style-type: none"> (a) is qualified under an Act to provide persons with care and treatment by means of ionizing radiation equipment; or (b) employs an individual who meets the requirements of paragraph (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment. 	
<p>(2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings shall ensure that each operator is</p> <ul style="list-style-type: none"> (a) a duly qualified medical practitioner with specialized training in radiography; (b) a dentist, dental assistant, dental hygienist or dental therapist as each is defined in the <i>Dental Profession Act</i> or the <i>Dental Auxiliaries Act</i>; (c) a medical radiation technologist or X-ray technician, whose experience and qualifications are approved by the Chief Safety Officer; (d) a student who is under the direct supervision of a person who possesses the qualifications set out in paragraphs (a), (b) or (c); or (e) a person who <ul style="list-style-type: none"> (i) is trained to carry out the procedures for which the equipment is to be used, and (ii) demonstrates to the satisfaction of the Chief Safety Officer that 	<p>(2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings shall ensure that each operator is</p> <ul style="list-style-type: none"> (a) a duly qualified medical professional with specialized training in radiography; (b) a dentist, dental assistant, dental hygienist or dental therapist as each is defined in the <i>Dental Profession Act</i> or the <i>Dental Auxiliaries Act</i>; (c) a medical radiation technologist or X-ray technician, whose experience and qualifications are approved by the Chief Safety Officer; (d) a student who is under the direct supervision of a person who possesses the qualifications set out in paragraphs (a), (b) or (c); or (e) a person who <ul style="list-style-type: none"> (i) is trained to carry out the procedures for which the equipment is to be used, and (ii) demonstrates to the satisfaction of the Chief Safety 	<p><u>Stakeholders:</u> Why is this section discussing "owner" (both this section and the one above) instead of employer or supervisor? Although the definition of owner includes employer, it is not clear why the change is required. The lack of consistency causes confusion, it is also not clear why the distinction between owner and employer is required.</p> <p><u>Committee:</u> Ionizing radiation equipment is going to be owned by someone. Recall the definition in s. 351: "owner" means a person having management and control of a radiation installation or radiation equipment, or both; Because the owner has management and control, the owner is in a privileged position, much as the employer is on a work site. An employer might be the owner but that is by no means a given fact.</p> <p><u>Stakeholders:</u> Are we required to also provide safety training for those working in the area but not specifically on the equipment -for example, janitors?</p>

<p>he or she possesses adequate knowledge of the equipment, the biological effects associated with the equipment's use and the necessary safety procedures.</p>	<p>Officer that he or she possesses adequate knowledge of the equipment, the biological effects associated with the equipment's use and the necessary safety procedures.</p>	<p><u>Committee</u>: Yes - safety training would have to be provided to these workers (section 24). A janitor is unlikely to be an operator of an ionizing radiation installation or ionizing radiation equipment, but the janitor may be exposed to ionizing radiation so section 354 will apply.</p> <p><u>Stakeholders</u>: We need an understanding of what constitutes training.</p> <p><u>Committee</u>: For an ionizing radiation installation or ionizing radiation equipment used for diagnosis or treatment relating to human beings the training required is set out in this section. Any greater detail would dictate to medical professionals how to carry on their profession. For uses other than diagnosis, section 358.1 has been added and it does incorporate by reference some standards. By incorporating these standards in the legislation, the CSO has no discretion to change the standards used in that section.</p>
<p>(3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings shall ensure that operators described in paragraphs (2)(c) and (e) perform only examinations for which they have been formally trained.</p>	<p>(3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings shall ensure that operators described in paragraphs (2)(c) and (e) perform only examinations for which they have been qualified.</p>	<p><u>Committee</u>: "formally trained" changed to "qualified".</p>
<p>(4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person (a) is entitled to practise veterinary medicine by reason of being registered pursuant to the</p>	<p>(4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person (a) is entitled to practise veterinary medicine by reason of being registered pursuant to the</p>	

<p><i>Veterinary Profession Act</i>; or (b) employs an individual who meets the requirements of paragraph (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.</p>	<p><i>Veterinary Profession Act</i>; or (b) employs an individual who meets the requirements of paragraph (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.</p>	
<p>(5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is (a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to the <i>Veterinary Profession Act</i>; or (b) an animal health technician under the direct supervision of a veterinarian; (c) a student under the direct supervision of a person who possesses the qualification set out in paragraph (a).</p>	<p>(5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is (a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to the <i>Veterinary Profession Act</i>; or (b) an animal health technician under the direct supervision of a veterinarian; (c) a student under the direct supervision of a person who possesses the qualification set out in paragraph (a).</p>	
<p>(6) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to human beings or animals unless (a) the person (i) understands the procedures for which the equipment is to be used, and (ii) possesses the knowledge necessary to adequately manage or control the ionizing radiation installation or ionizing radiation equipment and knowledge of the necessary safety procedures; or (b) employs an individual who meets</p>	<p>(6) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to human beings or animals unless (a) the person (i) understands the procedures for which the equipment is to be used, and (ii) possesses the knowledge necessary to adequately manage or control the ionizing radiation installation or ionizing radiation equipment and knowledge of the necessary safety procedures; or</p>	

<p>the requirements of paragraph (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.</p>	<p>(b) employs an individual who meets the requirements of paragraph (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.</p>	
<p>(7) An owner of an ionizing radiation installation or any ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to human beings or animals shall ensure that each operator</p> <ul style="list-style-type: none"> (a) possesses any qualifications or meets any requirements that are set out in the code of practice; and (b) is adequately supervised by a person who meets the requirements of paragraphs (6)(a) or (b). 	<p>(7) An owner of an ionizing radiation installation or any ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to human beings or animals shall ensure that each operator</p> <ul style="list-style-type: none"> (a) possesses any qualifications or meets any requirements that are set out in a code of practice; and (b) is adequately supervised by a person who meets the requirements of paragraphs (6)(a) or (b). 	
<p>(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsections (2), (5) or (7).</p>	<p>(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsections (2), (5) or (7).</p>	
	<p>Qualifications of Operators</p>	
	<p>358.1. (1) For the purposes of paragraph 358(6)(a), the operator of an ionizing radiation installation, or of ionizing radiation equipment, that is used for industrial radiography shall comply with the requirements of Health Canada, <i>Radiation Protection and Safety for Industrial X-ray Equipment, Safety Code 34, 1993</i>, as amended from time to time, and must</p> <ul style="list-style-type: none"> (a) have successfully completed the Canadian General Standards Board (CGSB) Canadian Nuclear Safety Commission Exposure Device Operators Examination; (b) have successfully completed the equivalent of the CGSB Level 1 Certification Examination in 	<p><u>Committee</u>: This section added. It parallels section 12 of the Saskatchewan <i>Radiation Health and Safety Regulations</i>. The intent is to elaborate on the requirement is paragraph 358(6)(a). This may address some of the comments from stakeholders re: training.</p>

	<p>Industrial Radiography; or (c) be under the direct supervision and continuous observation of a person who satisfies paragraph (a) or (b).</p>	
	<p>(2) For the purposes of paragraph 358(6)(a), the operator of an ionizing radiation installation, or of ionizing radiation equipment, that is used for a purpose other than diagnosis or treatment relating to human beings or animals or for industrial radiography must be trained to carry out, in a safe manner, the procedures for which the equipment is to be used, and</p> <p>(a) in the case of baggage X-ray equipment, shall be familiar with and adhere to the requirements of Health Canada, <i>Safety Requirements for the Safe Use of Baggage X-ray Inspection Systems, Safety Code 29, 1994</i>, as amended from time to time; or</p> <p>(b) in the case of analytical X-ray equipment, shall be familiar with and adhere to the requirements of Health Canada, <i>Safety Requirements and Guidance for Analytical X-ray Equipment, Safety Code 32, 1994</i>, as amended from time to time.</p>	
	<p>Maintenance and Inspections</p>	
	<p>358.2. (1) An owner of ionizing radiation equipment and associated apparatus that is used in a health care facility, defined under section 465, shall arrange for the inspection of that equipment and apparatus by a qualified person to ensure that the equipment and apparatus</p> <p>(a) is in safe operating condition; and</p> <p>(b) has undergone a radiation calibration.</p>	

	(2) An owner of the equipment and apparatus referred to in subsection (1) shall ensure that any equipment and apparatus that is not in safe operating condition, or that requires a radiation calibration, is immediately taken out of service or repaired, or calibrated.	
	(3) An owner shall maintain records of all inspections and maintenance carried out on the equipment and apparatus referred to in this section.	
	(4) A person who conducts an inspection under subsection (1) or (3) shall, within 30 days after completing the inspection, submit to the Chief Safety Officer, in an approved form, details of all tests carried out and measurements made in the course of the inspection.	<u>Committee</u> : Added.
	Frequency of Inspections	
	358.3. (1) Subject to subsections (2) to (4), an inspection required under subsection 358.2(1) must be carried out not less than once per year.	<u>Committee</u> : Added.
	(2) Except in the case of mobile X-ray equipment, an inspection required under subsection 358.2(1) must be carried out not less than twice per year if the equipment or associated apparatus <ul style="list-style-type: none"> (a) is used to perform 5,000 to 10,000 diagnostic examinations per year; (b) is 15 to 19 years of age; or (c) is equipment or apparatus that has an image intensifier. 	
	(3) Except in the case of mobile X-ray equipment, an inspection required by subsection 358.2(1) is to be carried out not less than three times per year if the equipment or associated apparatus <ul style="list-style-type: none"> (a) is used to perform more than 10,000 diagnostic examinations per 	

	<p>year; or (b) is 20 years old or older.</p>	
	<p>(4) In the case of mobile X-ray equipment, an inspection required by subsection 358.2(1) is to be carried out not less than twice per year if the equipment</p> <ul style="list-style-type: none"> (a) is used in a hospital with a capacity greater than 200 beds; or (b) is equipped with an image intensifier. 	
	<p>(5) Subject to subsections (6) and (7), an inspection required under subsection 358.2(1) is to be carried out not less than</p> <ul style="list-style-type: none"> (a) once every three years for dental or chiropractic X-ray equipment; and (b) once every five years for veterinary X-ray equipment. 	
	<p>(6) No inspection is required under subsection 358.2(1) until five years have elapsed since the date of manufacture of the equipment.</p>	
	<p>(7) In the case of chiropractic X-ray equipment 15 years of age or older, an inspection required under subsection 358.2(1) must be carried out not less than once per year.</p>	
	<p>(8) The approval of the Chief Safety Officer is required if two consecutive inspections referred to in this section are to be carried out at intervals of less than 60 days.</p>	
	<p style="text-align: center;">Certification of Equipment</p>	
	<p>358.4. (1) A supplier of ionizing radiation equipment or associated apparatus shall, after the equipment or apparatus is installed or otherwise placed in the premises of a prospective owner and before the equipment or apparatus is transferred to the control of the prospective owner,</p> <ul style="list-style-type: none"> (a) complete radiological safety tests of 	<p><u>Committee</u>: Added.</p>

	<p>the equipment or apparatus to ensure the equipment or apparatus is operating within the written specifications established by the equipment or apparatus manufacturer; and</p> <p>(b) complete an inspection of the electrical and mechanical components of the equipment or apparatus to ensure that the equipment or apparatus is operating within the written specifications established by the equipment or apparatus manufacturer.</p>	
	<p>(2) A supplier referred to in subsection (1) shall notify the Chief Safety Officer within 30 days after completing the inspection, on an approved form, certifying that the equipment or associated apparatus has been properly installed and can be safely used.</p>	
	<p>(3) Where an owner re-installs non-mobile ionizing radiation equipment or associated apparatus, he or she shall ensure that, on re-installation, the installer completes an inspection of the electrical and mechanical components of the equipment or associated apparatus and ensures that the equipment is operating within the written specifications established by the equipment or apparatus manufacturer.</p>	
	<p>(4) An installer referred to in subsection (3) shall notify the Chief Safety Officer within 30 days after completing the installation of the inspection, on an approved form, certifying that the equipment or associated apparatus has been properly installed and can be safely used.</p>	
Monitoring Procedure	Moved	
359. If an occupational worker may receive an	Moved	<u>Committee</u> : Moved to follow new s. 354.2.

effective dose greater than 1 millisievert in a one-year period, the owner of the ionizing radiation equipment shall arrange for a thermoluminescent dosimeter to be issued by a dosimetry service provider licensed pursuant to Regulatory Standard S-106, Revision 1, <i>Technical and Quality Assurance Standards for Dosimetry Services in Canada</i> , as amended from time to time.		
Pregnancy of Occupational Worker	Moved	
360. (1) An occupational worker who becomes aware that she is pregnant shall immediately inform the owner or operator of the ionizing radiation installation or of any ionizing radiation equipment that she is pregnant.	Moved	<u>Committee</u> : Moved to follow new s. 359.1.
(2) An owner or operator of ionizing radiation equipment who employs occupational workers or who is in charge of training occupational workers shall advise those occupational workers (a) of their obligation pursuant to subsection (1); and (b) that, if an occupational worker suspects she is pregnant, she must inform immediately the owner or operator.	Moved	
(3) On being informed by an occupational worker that she is pregnant or suspects she is pregnant, the owner or operator shall, in order to comply with dose limits prescribed by the standard at subsection 354(1), reassess and, if necessary, revise the employment duties or educational activities of the worker.	Moved	
	Change of Use	
	360.1. No owner of ionizing radiation equipment shall cause or permit the equipment to be used for any function or purpose other than the	<u>Committee</u> : Added.

	function or purpose for which it is intended or was designed unless the owner first obtains the written approval of a safety officer.	
	Modifications to Equipment	
	360.2. (1) No owner of ionizing radiation equipment shall cause or permit the modification or alteration of the equipment or the structural shielding of the equipment unless the modification or alteration is approved by (a) the equipment manufacturer; or (b) a safety officer.	<u>Committee</u> : Added.
	(2) An owner of ionizing radiation equipment shall give notice to the Chief Safety Officer of any modification or alteration of the structural shielding, not later than 30 days after the modification or alteration is made.	
	Display of Radiation Hazard Sign	
	360.3. Where ionizing radiation equipment capable of producing dose rates greater than 25 microsieverts per hour is operated, the owner shall ensure that (a) in the case of a room used solely for medical diagnosis of patients, a sign bearing the word "X-ray" is prominently displayed on each door that gives access to the room; (b) in the case of a room that houses analytical, therapy or industrial ionizing radiation equipment, a sign bearing the word "X-ray" or the word "Radiation" and the radiation warning symbol described in section 360.4 or any other symbol approved by a safety officer is prominently displayed on each door that gives access to the room; and (c) in the case of an open area	<u>Committee</u> : Added.

	<ul style="list-style-type: none"> (i) a mobile barrier is erected to enclose the area in which a dose rate greater than 25 microsieverts per hour may be produced, and (ii) signs bearing the radiation hazard symbols mentioned in paragraph (b) are placed on the barrier so that at least one sign is always clearly visible as the area is approached. 	
	Radiation Warning Symbol	
	360.4. (1) In this section, "radiation warning symbol" means the trefoil illustrated in Schedule S.4.	<u>Committee</u> : Added. This is a universally applicable symbol for radiation safety.
	<ul style="list-style-type: none"> (2) Where a person uses a radiation warning symbol, he or she shall <ul style="list-style-type: none"> (a) display it as prominently as is practicable; (b) ensure that it is of a size that <ul style="list-style-type: none"> (i) is consistent with the size of the object to which it is attached, (ii) permits the symbol to be recognized from a safe distance, and (iii) maintains the proportions illustrated in Schedule S.4. 	
	(3) Unless the circumstances do not permit, the radiation hazard symbol must be oriented as illustrated in Schedule S.4.	
	(4) No wording is to be superimposed on the radiation warning symbol.	
Non-ionizing Radiation	Removed	
361. (1) The Chief Safety Officer may, in respect of plans for a non-ionizing radiation installation or proposed alteration to a non-ionizing radiation installation, require that the plans are approved	Removed	<u>Committee</u> : After studying this Part, the Committee concludes that regulating of non-ionizing radiation installations is not necessary for the NT or NU at this time. Section deleted.

in writing before the installation or alteration may proceed.		
(2) Where the Chief Safety Officer requires the approval of the plans, no person shall do any of the following, unless the approval has been made: (a) establish or cause to be established an non-ionizing radiation installation for any purpose; or (b) make or cause to be made any substantial alteration in any non-ionizing radiation installation.	Removed	
(3) The Chief Safety Officer may withhold the approval of the plans until he or she is satisfied that the non-ionizing radiation installation will be constructed or altered in such a manner that all reasonable precautions are taken to avoid danger to the health of any person.	Removed	
Qualifications for Management, Control and Use of Non-Ionizing Radiation Equipment	Removed	
362. No person shall manage, control or use any non-ionizing radiation equipment or class of non-ionizing radiation equipment unless the person possesses approved qualifications and meets the requirements of these regulations.	Removed	<u>Committee</u> : Deleted.
Ultraviolet Radiation	Exposure Limits to Ultraviolet Radiation General	
363. (1) In this section, “irradiance” means the radiant power incident per unit area expressed in watts per square metre;	363. (1) Where an occupational worker may be exposed to ultraviolet radiation from ultraviolet radiation equipment or industrial processes at a work site, the owner of the equipment or process shall ensure that exposure from the equipment or industrial processes is limited to levels listed under “Ultraviolet Radiation” of the <i>Threshold Limit Values for Chemical Substances and Physical Agents & Biological Exposure Indices (2010)</i> , published by the American Conference of	<u>Stakeholders</u> : Why is this language not the same as for pregnancy with the duty falling to the employee? <u>Committee</u> : <ul style="list-style-type: none"> • This comment was in respect of the "know or ought to have known" phrase. That term has been removed completely. • UV radiation is ionizing radiation but it

	Governmental Industrial Hygienists (ACGIH), as amended from time to time.	affects the skin and eyes and is unlikely to affect a foetus.
(2) In any work site where an occupational worker may be exposed to ultraviolet radiation from ultraviolet radiation equipment or industrial processes, the owner of the equipment or process shall ensure that exposure from the equipment or industrial processes is limited to approved levels.	(2) If the spectral composition of the radiation is not known, the owner of the equipment shall ensure that the total radiant exposure of an occupational worker's unprotected eyes or skin in any period of eight hours does not exceed 30 J/m ² .	
(3) If the spectral composition of the radiation is not known, the owner of the equipment shall ensure that the total radiant exposure of an occupational worker's unprotected eyes or skin in any period of eight hours does not exceed (a) 30 J/m ² ; or (b) a maximum continuous irradiance of 1 mw/m ² .	(3) For the purposes of subsection (2), an exposure for eight hours to a maximum continuous irradiance of one milliwatt per square metre is deemed to be equal to a total radiant exposure of 30 J/m ² .	
	Exposure Limits to Ultraviolet Radiation Photosensitivity	
	363.1. (1) If the conditions at a work site may lead to chemically-induced photosensitivity in an occupational worker, the owner of ultraviolet radiation equipment shall ensure that the exposure to ultraviolet radiation of the occupational worker's eyes or skin, in any period of eight hours, does not exceed the values that are recommended by the Chief Safety Officer.	
	(2) Values recommended by the Chief Safety Officer for the purposes of subsection (1) must not exceed the values mentioned in section 363.	
<i>[Moved from 363]</i> (4) If an owner of ultraviolet radiation equipment knows or ought to know that an occupational worker shows inherited photosensitivity to ultraviolet radiation	(3) If an owner of ultraviolet radiation equipment knows that an occupational worker shows inherited photosensitivity to ultraviolet radiation or is under treatment with a	<u>Committee</u> : This subsection is essentially what was s. 363(4) of the consultation draft. The original has been moved down to line up with this provision.]

<p>or is under treatment with a photosensitizing drug, the owner shall ensure that</p> <ul style="list-style-type: none"> (a) the worker’s exposure to ultraviolet radiation is limited in accordance with the advice of a health care professional who is registered or licensed pursuant to an Act to practise any of the healing arts; or (b) the worker is issued with any eye and skin protection that is specified by <ul style="list-style-type: none"> (i) a duly qualified medical practitioner; or (ii) an officer. 	<p>photosensitizing drug, the owner shall ensure that</p> <ul style="list-style-type: none"> (a) the worker’s exposure to ultraviolet radiation is limited in accordance with the advice of a medical professional; or (b) the worker is issued with any eye and skin protection that is specified by <ul style="list-style-type: none"> (i) a medical professional; or (ii) a safety officer. 	<p><u>Stakeholders:</u> should it be a safety officer?</p> <p><u>Committee:</u> Agrees. Entire regulation is checked for use of "officer" about 8 other instances corrected. The use of "officer" in the WHMIS Part is correct though.</p> <p><u>Stakeholders:</u> ISSUE: "ought to know" Onus is on the employer to "ought to know" -we have concerns with this. What practical duties to notify, observe, investigate, etc. are on the employer and the employee, to satisfy the "ought to know" provision? The onus should be on the employee to notify the employer/supervisor/owner/operator.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • The phrase "knows or ought to know" removed since it is an accusatory tone directed at the owner. This terminology was encountered in s. 15. This sort of language is more appropriate for the criminal sanctions model not for the regulatory partnering model. • With respect to the second part of the comment, this Part has been revamped to speak about "owners" - a defined term at new section 351: "owner" means a person having management and control of a radiation installation or radiation equipment, or both; • That definition probably addresses the stakeholder's second comment as it is not necessarily the employer who has responsibilities but the owner of the equipment. This is consistent with the
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		radiation safety legislation in other jurisdictions and section 4 of these regulations.
	Protection Where Exposure Limits Cannot be Complied With	
	<p>363.2. If the exposure limits set out in section 363 and subsection 363.1(1) cannot be complied with, an owner of ultraviolet radiation equipment shall issue to each occupational worker, whose exposure to ultraviolet radiation may exceed those limits,</p> <ul style="list-style-type: none"> (a) eye and skin protection that is specified by <ul style="list-style-type: none"> (i) a medical professional; or (ii) a safety officer; and (b) if required by a safety officer, a personal monitoring device to evaluate the exposure of the worker to ultraviolet radiation. 	<u>Committee:</u> Added.
Laser Radiation	Laser Classification	
<p>364. (1) The following standards and codes are adopted:</p> <ul style="list-style-type: none"> (a) American National Standards Institute (ANSI) Z136.1-2000, <i>Safe Use of Lasers</i>, as amended from time to time; (b) American National Standards Institute (ANSI) Z136.3-2004, <i>Safe Use of Lasers in Health Care Facilities</i>, as amended from time to time; (c) American National Standards Institute (ANSI) Z136.2-1997, <i>Safe Use of Optical Fiber Communication Systems Utilizing Laser Diode and LED Sources</i>, as amended from time to time. 	<p>364. The owner of a laser or laser device shall ensure that the laser or laser device is installed, operated, labelled and maintained</p> <ul style="list-style-type: none"> (a) in accordance with American National Standards Institute (ANSI) Z136.1-2000, <i>Safe Use of Lasers</i>, as amended from time to time; (b) in the case of a laser or laser device that is a medical laser in a health care facility, in accordance with American National Standards Institute (ANSI) Z136.3-2004, <i>Safe Use of Lasers in Health Care Facilities</i>, as amended from time to time; and (c) in the case of a laser or laser device that is part of an optical fibre 	<p><u>Stakeholders:</u> In this section, the Chief Safety Officer is adopting ANSI codes. However, the Chief Safety Office is also developing and approving codes of practice which have yet to be published for comment. This gives the Chief Safety Officer extraordinary powers and excludes similar territorial standards or their development.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • This section is reworded for purposes of clarity. Under section 18 of the Act the CSO is empowered to approve and issue codes of practice. Standards and codes are quasi-legislation and have no legal effect. The CSO is free to approve of codes and standards in the codes of practice. This is not an extraordinary

	<p>communication system utilizing laser diode and light emitting diode sources, in accordance with American National Standards Institute (ANSI) Z136.2-1997, <i>Safe Use of Optical Fiber Communication Systems Utilizing Laser Diode and LED Sources</i>, as amended from time to time.</p>	<p>power. The CSO may very well exclude some standards, for instance on the grounds that they are inadequate. The role of stakeholders will be important in making this determination.</p> <ul style="list-style-type: none"> • In the redrafted version of this section, the regulation making authority is setting out three standards to be applied. The CSO cannot choose not to follow these. This is done in a few other sections. It achieves the same effect as in the consultation draft, but with fewer words and greater clarity. <p><u>Stakeholders:</u> Is infra-red equipment covered somewhere in these regulations?</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> • Infra-red (IR) light is electromagnetic radiation from 1-400 THz. It falls outside of the definition in s. 351 of "radio frequency radiation". It is non-ionizing but it can cause burns. IR equipment is non-ionizing radiation equipment. • Non-ionizing radiation and non-ionizing radiation equipment are covered in the revision by the particular use of the defined terms "radiation" and "radiation equipment" and how they are used in revised section 365.1 and subsection 365.1(4) in particular. Because that subsection refers to sections 363 (UV), 364 (Laser) and 365 (RF EM), it is unlikely that IR equipment or IR radiation generally is captured by this Part. But subsections 365.1(1), (2), (5) and (6) all apply in respect of IR radiation and IR radiation equipment. The answer to the
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		<p>question is: Yes.</p> <p><u>Stakeholders:</u> We suggest that the classification of lasers is included, defining by type or strength, what is and is not covered.</p> <p><u>Committee:</u> The ANSI standard in revised s. 364(a) does exactly this with its system of classification. The different classification levels relate to intensity etc.. This is the North American standard.</p>
(2) The Chief Safety Officer shall approve of and issue a code of practice for the standards and codes adopted under subsection (1).	Removed	
<p>(3) The owner or supplier of a laser or laser device shall ensure that</p> <p>(a) the laser or laser device is installed, operated, labelled and maintained in accordance with the standard or code adopted in paragraph 364(1)(a);</p> <p>(b) if the laser or laser device is a medical laser in a health care facility, the laser or laser device is installed, operated, and maintained in accordance with the standard or code adopted in paragraph 364(1)(b); and</p> <p>(c) if the laser or laser device is part of an optical fiber communication system utilizing laser diode and LED sources, the laser or laser device is installed, operated, and maintained in accordance with the standard or code adopted in paragraph 364(1)(c).</p>	Removed	<p><u>Stakeholders:</u> Subsection(3): Does this apply to all lasers (lasers are also found in bar code scanners and other small equipment) is this meant to control that as well?</p> <p><u>Committee:</u> Yes. It already does now by virtue of s. 33 GSRs. Under the revised draft, all laser devices have to be labelled as per ANSI standard. The requirements of section 365.1 will also apply.</p>
(4) An employer, owner or supplier of a	Removed	<u>Stakeholders:</u> "laser or laser device" Bar code

<p>laser or laser device shall</p> <p>(a) fully inform all occupational workers who may be exposed to radiation from a laser or laser device of class 2, 3a, 3b or 4 as to the hazards of this radiation under the conditions of use; and</p> <p>(b) without limiting the generality of paragraph (a), draw the attention of the occupational workers to the viewing restrictions that are indicated on the laser classification label.</p>		<p>scanners have lasers. A more specific definition of what is meant by laser would help.</p> <p><u>Committee:</u> s. 351 has a defined term: “laser” means an optical source that emits coherent, monochromatic radiation from a solid state, gaseous or liquid lasing source; That definition is sufficient. Bar code scanners incorporate a laser. Under the ANSI classification scheme (see s. 364 revised), such lasers are Class 1 lasers and normally do not cause harm. Laser light is generally non-ionizing radiation but it could be UV and therefore could potentially be ionizing radiation.</p>
<p>(5) The operator of a laser or laser device shall ensure that no part of the body of any person is deliberately exposed to the direct beam of the laser or laser device unless the exposure is made</p> <p>(a) by a health care professional who is registered or licensed pursuant to an Act to practise any of the healing arts; or</p> <p>(b) under the direct supervision of a health care professional referred to in paragraph (a).</p>	<p>Removed</p>	<p>Subsections (4) and (5) of the consultation draft were too detailed. That detail is covered under the ANSI standards.</p>
<p>Radiofrequency Radiation</p>	<p>Radio Frequency Radiation</p>	
<p>365. (1) The following standards and codes are adopted:</p> <p>(a) for radio frequency radiation in the frequency range from 3 kHz to 300 GHz, Health Canada, <i>Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3kHz to 300GHz, Safety Code 6, 1999</i>, as updated from time to time;</p> <p>(b) for radio frequency radiation from</p>	<p>365. (1) Subject to subsections (2) and (3), an owner of equipment that generates radio frequency fields in the frequency range from 3 kHz to 300 GHz shall ensure that the exposure limits specified in Health Canada, <i>Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3kHz to 300GHz, Safety Code 6, 1999</i>, as updated from time to time, are not exceeded.</p>	<p><u>Stakeholders:</u> In this section, the Chief Safety Officer is adopting Federal codes and developing and approving codes of practice which have yet to be published. This gives the Chief Safety Officer extraordinary powers and excludes similar territorial standards or their development.</p> <p><u>Committee:</u></p> <ul style="list-style-type: none"> A similar comment is made in respect of section 364. This section is reworded for purposes of clarity. Under section 18 of

<p>short-wave diathermy devices, Health Canada, <i>Short-Wave Diathermy Guidelines for Limiting Radiofrequency Exposure, Safety Code 25, 1983</i>, as updated from time to time;</p> <p>(c) for magnetic fields from magnetic resonance clinical systems, Health Canada, <i>Guidelines on Exposure to Electromagnetic Fields from Magnetic Resonance Clinical Systems, Safety Code 26, 1987</i>, as updated from time to time.</p>		<p>the Act the CSO is empowered to approve and issue codes of practice. Standards and codes are quasi-legislation and have no legal effect. The CSO is free to approve of codes and standards in the codes of practice. This is not an extraordinary power. The CSO may very well exclude some standards, for instance on the grounds that they are inadequate. The role of stakeholders will be important in making this determination.</p> <ul style="list-style-type: none"> • In the redrafted version of this section, the regulation making authority is setting out three standards to be applied. The CSO cannot choose not to follow these. This is done in a few other sections. It achieves the same effect as in the consultation draft, but with fewer words and greater clarity.
<p>(2) The Chief Safety Officer shall approve of and issue a code of practice for the standards and codes adopted under subsection (1).</p>	<p>(2) With respect to radio frequency electromagnetic fields from shortwave diathermy devices, the owner shall ensure that exposure is limited to the maximum exposure levels of Health Canada, <i>Short-Wave Diathermy Guidelines for Limiting Radiofrequency Exposure, Safety Code 25, 1983</i>, as updated from time to time.</p>	
<p>(3) The owner or supplier of any equipment that generates radio frequency radiation shall ensure that the equipment is installed, operated, labelled and maintained in accordance with approved standards.</p>	<p>(3) With respect to magnetic fields from magnetic resonance clinical systems, the owner shall ensure that exposure is limited to the maximum exposure levels of Health Canada, <i>Guidelines on Exposure to Electromagnetic Fields from Magnetic Resonance Clinical Systems, Safety Code 26, 1987</i>, as updated from time to time.</p>	
	<p>Accidental Radiation Exposure</p>	
	<p>365.1. (1) An owner of radiation equipment</p>	<p><u>Committee</u>: This provision is added and it is</p>

	<p>shall take all reasonable steps to minimize the possibility of unnecessary irradiation of occupational workers, workers and other persons arising from the malfunction of the equipment or any associated apparatus.</p>	<p>necessary. It is consistent with national legislation and is based on s. 41 of the Saskatchewan <i>Radiation Health and Safety Regulations</i>.</p>
	<p>(2) If a malfunction of radiation equipment or associated apparatus leads to the possibility of unnecessary irradiation of an occupational worker, worker or other person, the owner shall take all necessary steps to</p> <ul style="list-style-type: none"> (a) minimize the risk of accidental radiation exposure to any individual; and (b) terminate the risk as quickly as possible. 	
	<p>(3) The owner shall notify a safety officer and confirm this notification in writing within 48 hours if the risk described in subsection (2)</p> <ul style="list-style-type: none"> (a) results in the irradiation <ul style="list-style-type: none"> (i) of an occupational worker by ionizing radiation to an extent that is equal to or greater than 10 millisieverts, or (ii) of a worker or any other person by ionizing radiation to an extent that is equal to or greater than 0.25 millisievert; and (b) cannot be completely terminated within a period of six hours. 	
	<p>(4) The owner shall notify a safety officer and confirm this notification in writing within 48 hours if the risk described in subsection (2)</p> <ul style="list-style-type: none"> (a) results in the irradiation of an occupational worker, worker or any other person by a form of non-ionizing radiation to an extent that is equal to or greater than the 	

	<p>exposure limit set out in section 363, 364 or 365 for that form of radiation; and</p> <p>(b) cannot be terminated within a period of six hours.</p>	
	<p>(5) If the risk described in subsection (2) has been completely terminated within the six hours, the owner shall, within 10 days after the malfunction, make a full report to the Chief Safety Officer that states</p> <p>(a) the circumstances of the malfunction; and</p> <p>(b) the actions taken to eliminate the risk.</p>	
	<p>(6) An owner of radiation equipment shall inform the Chief Safety Officer immediately if an injury to a person is reported to the owner by a medical professional as an injury that is known or suspected to have been caused or exacerbated by exposure of the person to radiation equipment or associated apparatus that is under the control of the owner.</p>	
PART 24 ASBESTOS	PART 24 ASBESTOS	
Interpretation	Interpretation	
<p>366. In this Part,</p> <p>"asbestos" means any manufactured article or other material which contains</p> <p>(a) 1% or more asbestos by weight at the time of manufacture, or</p> <p>(b) 1% or more asbestos as determined using microscopy, stereo and polarized light, with dispersion staining, pursuant to the <i>National Institute for Occupational Safety and</i></p>	<p>366. In this Part,</p> <p>"asbestos" means any manufactured article or other material which contains</p> <p>(a) 1% or more asbestos by weight at the time of manufacture, or</p> <p>(b) 1% or more asbestos as determined using microscopy, stereo and polarized light, with dispersion staining, pursuant to the <i>National Institute for Occupational Safety and</i></p>	

<p><i>Health Manual of Analytical Methods, Method 9002, Issue 2, as amended from time to time;</i></p> <p>"asbestos-containing material" means any material that is likely to or contains asbestos;</p> <p>"asbestos dust" means dust that consists of or contains asbestos fibres that are likely to become airborne;</p> <p>"asbestos process" means any activity that may release asbestos dust, and includes</p> <ul style="list-style-type: none"> (a) the sawing, cutting or sanding of asbestos-containing materials, (b) the repair, maintenance, replacement or removal of asbestos surfaces, (c) the cleaning or disposal of asbestos materials, (d) the mixing or application of asbestos shorts, cements, grouts, putties or similar compounds, (e) the storing or conveyance of materials containing asbestos, and (f) the demolition of structures containing asbestos; <p>"asbestos surface" means the surface of an object that contains asbestos;</p> <p>"friable" means material that, when dry, is or can be crumbled, pulverized or powdered by hand pressure;</p> <p>"high risk asbestos process" means an asbestos process as described in Schedule B and includes an asbestos abatement project.</p>	<p><i>Health Manual of Analytical Methods, Method 9002, Issue 2, as amended from time to time;</i></p> <p>"asbestos-containing material" means any material that is likely to or contains asbestos;</p> <p>"asbestos dust" means dust that consists of or contains asbestos fibres that are likely to become airborne;</p> <p>"asbestos process" means any activity that may release asbestos dust, and includes</p> <ul style="list-style-type: none"> (a) the sawing, cutting or sanding of asbestos-containing materials, (b) the repair, maintenance, replacement or removal of asbestos surfaces, (c) the cleaning or disposal of asbestos materials, (d) the mixing or application of asbestos shorts, cements, grouts, putties or similar compounds, (e) the storing or conveyance of materials containing asbestos, and (f) the demolition of structures containing asbestos; <p>"asbestos surface" means the surface of an object that contains asbestos;</p> <p>"friable" means material that, when dry, is or can be crumbled, pulverized or powdered by hand pressure;</p> <p>"high risk asbestos process" means an asbestos process as described in Schedule B and includes an asbestos abatement project.</p>	
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Application of Part	Application of Part	
367. This Part applies to any work site where asbestos dust is likely to be released into the atmosphere and workers may be present.	367. This Part applies to any work site where asbestos dust is likely to be released into the atmosphere and workers may be present.	
Prohibition of Crocidolite	Prohibition of Crocidolite	
368. No person shall install crocidolite or any mixture containing crocidolite.	368. No person shall install crocidolite or any mixture containing crocidolite.	
Prohibition of Spraying	Prohibition of Spraying	
369. No person shall spray asbestos-containing materials.	369. No person shall spray asbestos-containing materials.	
Identification of Asbestos-Containing Materials	Identification of Asbestos-Containing Materials	
370. (1) Subject to subsection (3), an employer shall identify and keep a written record of the following materials that the employer knows or may reasonably be expected to know are present at a work site: <ul style="list-style-type: none"> (a) all friable, exposed asbestos-containing materials; (b) all friable, non-exposed accessible asbestos-containing materials; (c) all asbestos-containing pipe, boiler and duct insulating materials. 	370. (1) Subject to subsection (3), an employer shall identify and keep a written record of the following materials that the employer knows or may reasonably be expected to know are present at a work site: <ul style="list-style-type: none"> (a) all friable, exposed asbestos-containing materials; (b) all friable, non-exposed accessible asbestos-containing materials; (c) all asbestos-containing pipe, boiler and duct insulating materials. 	
(2) An employer shall immediately identify the presence in at a work site all asbestos-containing material that is damaged or in poor repair and is likely to release asbestos dust into the atmosphere.	(2) An employer shall immediately identify the presence in at a work site all asbestos-containing material that is damaged or in poor repair and is likely to release asbestos dust into the atmosphere.	
(3) The employer shall ensure that the identification of asbestos-containing materials or the determination of materials being asbestos-free is performed only by a competent person.	(3) The employer shall ensure that the identification of asbestos-containing materials or the determination of materials being asbestos-free is performed only by a competent person.	
(4) An employer shall make a copy of the records referred to in subsection (1) available for reference by the Committee or occupational health and safety representative-and the workers.	(4) An employer shall make a copy of the records referred to in subsection (1) available for reference by the Committee or representative and the workers.	<u>Committee</u> : Slight change in wording.

Labelling and Placarding	Labelling and Placarding	
<p>371. (1) Where workers have access to asbestos-containing materials, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the asbestos-containing materials are clearly and conspicuously labelled as asbestos-containing materials, or as asbestos if identified as asbestos; (b) the presence and location of the asbestos-containing materials are clearly indicated on a placard that is posted in a conspicuous location as close as possible to the asbestos-containing materials; and (c) the presence and location of the asbestos-containing materials are clearly indicated on a map or plan that is readily available to the workers. 	<p>371. (1) Where workers have access to asbestos-containing materials, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the asbestos-containing materials are clearly and conspicuously labelled as asbestos-containing materials, or as asbestos if identified as asbestos; (b) the presence and location of the asbestos-containing materials are clearly indicated on a placard that is posted in a conspicuous location as close as possible to the asbestos-containing materials; and (c) the presence and location of the asbestos-containing materials are clearly indicated on a map or plan that is readily available to the workers. 	
<p>(2) An employer shall ensure that a label, placard, map or plan required by subsection (1) contains a warning of the danger to health from taking asbestos fibres into the body.</p>	<p>(2) An employer shall ensure that a label, placard, map or plan required by subsection (1) contains a warning of the danger to health from taking asbestos fibres into the body.</p>	
<p>(3) An employer shall provide to all persons at the work site all relevant information from the record kept pursuant to subsection 370(1) and any material referred to in subsection 370(2) that is likely to be disturbed and may release asbestos dust.</p>	<p>(3) An employer shall provide to all persons at the work site all relevant information from the record kept pursuant to subsection 370(1) and any material referred to in subsection 370(2) that is likely to be disturbed and may release asbestos dust.</p>	
Inspection	Inspection	
<p>372. (1) An employer shall ensure that all friable asbestos-containing material and all sprayed-on asbestos surfaces are</p> <ul style="list-style-type: none"> (a) regularly inspected by the employer; and (b) inspected at least annually by a 	<p>372. (1) An employer shall ensure that all friable asbestos-containing material and all sprayed-on asbestos surfaces are</p> <ul style="list-style-type: none"> (a) regularly inspected by the employer; and (b) inspected at least annually by a 	<p><u>Stakeholders</u>: In this section the requirement for identification and annual inspection of all asbestos containing materials is excessive and in the stakeholder's view, unprecedented.</p> <p><u>Committee</u>: Understanding of the risks of</p>

<p>competent person to confirm that the material is not releasing, and is not likely to release, asbestos dust into the atmosphere.</p>	<p>competent person to confirm that the material is not releasing, and is not likely to release, asbestos dust into the atmosphere.</p>	<p>asbestos has evolved since the current <i>Asbestos Regulations</i> were adopted in 1992. It would be in the interest of employers and workers to know where asbestos containing materials (ACMs) are, and in what condition they are. Preparing an initial inventory may take some time, but annual up-dates and inspections should not involve major amounts of time and resources after that. The requirements are identical to other jurisdictions.</p> <p><u>Stakeholders:</u> Further the requirement for inspections by competent persons make this unlikely to happen in all but a few work sites.</p> <p><u>Committee:</u> If the employer has these types of ACMs present at the work site, a competent person is needed to carry out the inspections.</p> <p><u>Stakeholders:</u> Asbestos removal plans and abatement programs should be submitted to the Chief Safety Officer for approval prior to the works commencing.</p> <p><u>Committee:</u> See section 7. This requirement exists in the revision.</p>
<p>(2) An employer shall keep a written record of the annual inspection referred to in subsection (1) and make a copy of the record available for reference by the workers.</p>	<p>(2) An employer shall keep a written record of the annual inspection referred to in subsection (1) and make a copy of the record available for reference by the workers.</p>	
<p>Asbestos Surfaces</p>	<p>Asbestos Surfaces</p>	
<p>373. An employer shall ensure that (a) every asbestos surface is kept in good condition; (b) all repairs and sealing necessary to prevent the breaking-off of asbestos or the release of asbestos dust from</p>	<p>373. An employer shall ensure that (a) every asbestos surface is kept in good condition; (b) all repairs and sealing necessary to prevent the breaking-off of asbestos or the release of asbestos dust from</p>	

<p>an asbestos surface are done immediately;</p> <p>(c) no asbestos surface is disturbed for the purpose of maintenance, replacement, removal or repair until the surface is thoroughly wetted throughout the entire thickness; and</p> <p>(d) where it is not practicable to comply with paragraph (c),</p> <p>(i) the asbestos surface is kept wet while the surface is being disturbed, or</p> <p>(ii) effective means are used to capture, at source, any dust created by the disturbance.</p>	<p>an asbestos surface are done immediately;</p> <p>(c) no asbestos surface is disturbed for the purpose of maintenance, replacement, removal or repair until the surface is thoroughly wetted throughout the entire thickness; and</p> <p>(d) where it is not practicable to comply with paragraph (c),</p> <p>(i) the asbestos surface is kept wet while the surface is being disturbed, or</p> <p>(ii) effective means are used to capture, at source, any dust created by the disturbance.</p>	
<p>Asbestos Processes</p>	<p>Asbestos Processes</p>	
<p>374. (1) An employer shall</p> <p>(a) ensure that every asbestos process is carried out in a manner that prevents, to the extent that is practicable, the release into the air of asbestos dust;</p> <p>(b) develop, in consultation with the Committee, an asbestos control plan that protects the health and safety of all workers in the event of the dispersal of asbestos dust into the atmosphere at a work site; and</p> <p>(c) implement the asbestos control plan developed pursuant to paragraph (b).</p>	<p>374. (1) An employer shall</p> <p>(a) ensure that every asbestos process is carried out in a manner that prevents, to the extent that is practicable, the release into the air of asbestos dust;</p> <p>(b) develop, in consultation with the Committee, an asbestos control plan that protects the health and safety of all workers in the event of the dispersal of asbestos dust into the atmosphere at a work site; and</p> <p>(c) implement the asbestos control plan developed pursuant to paragraph (b).</p>	<p><u>Stakeholders</u>: The requirement for [OHS] Committees to develop and adopt procedures is beyond their expertise.</p> <p><u>Committee</u>: This plan is developed in consultation with the OHS Committee. The employer is still required to develop the plan.</p>
<p>(2) A plan developed pursuant to subsection (1) must be in writing and must include</p> <p>(a) the emergency procedures to be used in case of an uncontrolled release of asbestos, including</p>	<p>(2) A plan developed pursuant to subsection (1) must be in writing and must include</p> <p>(a) the emergency procedures to be used in case of an uncontrolled</p>	

<ul style="list-style-type: none"> (i) the means to protect exposed workers, (ii) the methods to confine and control the release of asbestos, and (iii) the decontamination procedures to be used; (b) the asbestos processes that workers may undertake; (c) the training of workers in any asbestos process the workers may be required or permitted to undertake; (d) the methods to control the release of asbestos dust; (e) the personal protective equipment that workers may be required to use; (f) the decontamination procedures for <ul style="list-style-type: none"> (i) the work site, and (ii) the workers who undertake any asbestos process; and (g) the inspection and maintenance schedule for all asbestos-containing materials. 	<p>release of asbestos, including</p> <ul style="list-style-type: none"> (i) the means to protect exposed workers, (ii) the methods to confine and control the release of asbestos, and (iii) the decontamination procedures to be used; (b) the asbestos processes that workers may undertake; (c) the training of workers in any asbestos process the workers may be required or permitted to undertake; (d) the methods to control the release of asbestos dust; (e) the personal protective equipment that workers may be required to use; (f) the decontamination procedures for <ul style="list-style-type: none"> (i) the work site, and (ii) the workers who undertake any asbestos process; and (g) the inspection and maintenance schedule for all asbestos-containing materials. 	
<p>(3) An employer shall make a copy of the plan developed pursuant to subsection (1) readily available for reference by workers.</p>	<p>(3) An employer shall make a copy of the plan developed pursuant to subsection (1) readily available for reference by workers.</p>	
<p>(4) Where an asbestos process is undertaken, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the area is effectively isolated or otherwise enclosed to prevent the escape of asbestos dust to any other part of the work site; (b) a warning notice is conspicuously displayed indicating that asbestos 	<p>(4) Where an asbestos process is undertaken, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the area is effectively isolated or otherwise enclosed to prevent the escape of asbestos dust to any other part of the work site; (b) a warning notice is conspicuously displayed indicating that asbestos 	

<p>work is in progress;</p> <p>(c) all asbestos-containing materials removed are placed in appropriate receptacles that are impervious to asbestos and that are clearly labelled "Asbestos"; and</p> <p>(d) the receptacles referred to in paragraph (c) are handled and transported in a manner that will protect them from physical damage.</p>	<p>work is in progress;</p> <p>(c) all asbestos-containing materials removed are placed in appropriate receptacles that are impervious to asbestos and that are clearly labelled "Asbestos"; and</p> <p>(d) the receptacles referred to in paragraph (c) are handled and transported in a manner that will protect them from physical damage.</p>	
Ventilation Equipment	Ventilation Equipment	
<p>375. (1) Where exhaust ventilation equipment is used to contain asbestos dust, an employer shall ensure that the equipment is</p> <p>(a) equipped with a HEPA filter;</p> <p>(b) inspected regularly for defects;</p> <p>(c) maintained; and</p> <p>(d) certified by a competent person at least once each year as being able to function safely and effectively.</p>	<p>375. (1) Where exhaust ventilation equipment is used to contain asbestos dust, an employer shall ensure that the equipment is</p> <p>(a) equipped with a HEPA filter;</p> <p>(b) inspected regularly for defects;</p> <p>(c) maintained; and</p> <p>(d) certified by a competent person at least once each year as being able to function safely and effectively.</p>	
<p>(2) Where exhaust ventilation equipment will exhaust into the interior of a work site that is occupied by workers, an employer shall ensure that the equipment is tested in an approved manner by a competent person before beginning an asbestos process to ensure that the equipment is able to function safely and effectively.</p>	<p>(2) Where exhaust ventilation equipment will exhaust into the interior of a work site that is occupied by workers, an employer shall ensure that the equipment is tested in an approved manner by a competent person before beginning an asbestos process to ensure that the equipment is able to function safely and effectively.</p>	
Personal Protective Equipment	Personal Protective Equipment	
<p>376. (1) Where effective local exhaust ventilation equipment is not used and an asbestos process results in the production of asbestos dust, an employer shall ensure that each worker who may be exposed is provided with and uses</p> <p>(a) an approved respiratory protective device that is appropriate to the level of risk of the asbestos process</p>	<p>376. (1) Where effective local exhaust ventilation equipment is not used and an asbestos process results in the production of asbestos dust, an employer shall ensure that each worker who may be exposed is provided with and uses</p> <p>(a) an approved respiratory protective device that is appropriate to the</p>	

<p>and that meets the requirements of Part 7; and</p> <p>(b) approved protective clothing that, when worn, will exclude asbestos dust.</p>	<p>level of risk of the asbestos process and that meets the requirements of Part 7; and</p> <p>(b) approved protective clothing that, when worn, will exclude asbestos dust.</p>	
<p>(2) An employer shall ensure that protective clothing</p> <p>(a) is disposed of as asbestos waste after use pursuant to section 377; or</p> <p>(b) is kept, maintained and cleaned in a safe manner each time it is used.</p>	<p>(2) An employer shall ensure that protective clothing</p> <p>(a) is disposed of as asbestos waste after use pursuant to section 377; or</p> <p>(b) is kept, maintained and cleaned in a safe manner each time it is used.</p>	
<p>Asbestos Waste</p>	<p>Asbestos Waste</p>	
<p>377. (1) Subject to subsection (3), an employer shall ensure that asbestos waste or dust produced at a work site is cleaned away promptly, and at least once each day, by vacuum cleaning equipment equipped with a HEPA filter to prevent the escape of asbestos dust into the air or, where vacuum cleaning is not practicable, by wet methods.</p>	<p>377. (1) Subject to subsection (3), an employer shall ensure that asbestos waste or dust produced at a work site is cleaned away promptly, and at least once each day, by vacuum cleaning equipment equipped with a HEPA filter to prevent the escape of asbestos dust into the air or, where vacuum cleaning is not practicable, by wet methods.</p>	
<p>(2) An employer shall ensure that the vacuum cleaning equipment</p> <p>(a) is inspected regularly for defects;</p> <p>(b) is maintained; and</p> <p>(c) is certified by a competent person at least once each year as being able to function safely and effectively.</p>	<p>(2) An employer shall ensure that the vacuum cleaning equipment</p> <p>(a) is inspected regularly for defects;</p> <p>(b) is maintained; and</p> <p>(c) is certified by a competent person at least once each year as being able to function safely and effectively.</p>	
<p>(3) Subsection (1) does not apply to vacuum cleaning equipment used within an effectively isolated enclosure that is being used to control the release of asbestos dust.</p>	<p>(3) Subsection (1) does not apply to vacuum cleaning equipment used within an effectively isolated enclosure that is being used to control the release of asbestos dust.</p>	
<p>(4) An employer shall ensure that workers who are employed in the disposal of asbestos wastes are adequately trained in the safe means of handling those wastes and the proper disposal of those wastes in a manner that will not create a</p>	<p>(4) An employer shall ensure that workers who are employed in the disposal of asbestos wastes are adequately trained in the safe means of handling those wastes and the proper disposal of those wastes in a manner that will not create a</p>	

hazard to the health or safety of workers at the disposal site.	hazard to the health or safety of workers at the disposal site.	
Warning of Health Risks	Warning of Health Risks	
378. An employer shall ensure that workers who are likely to be employed in an asbestos process or are likely to be exposed to asbestos dust are informed of the nature and extent of the risk to their health, including a warning that (a) the inhalation of asbestos may cause (i) pneumoconiosis, (ii) lung cancer, or (iii) mesothelioma; and (b) the risk of injury to health caused by the inhalation of asbestos is increased by smoking.	378. An employer shall ensure that workers who are likely to be employed in an asbestos process or are likely to be exposed to asbestos dust are informed of the nature and extent of the risk to their health, including a warning that (a) the inhalation of asbestos may cause (i) pneumoconiosis, (ii) lung cancer, or (iii) mesothelioma; and (b) the risk of injury to health caused by the inhalation of asbestos is increased by smoking.	
Training	Training	
379. (1) An employer shall ensure that each worker who may be exposed to asbestos dust resulting from an asbestos process is provided with training in the safe handling of asbestos that is appropriate to the level of risk of the asbestos process as set out in Schedule B.	379. (1) An employer shall ensure that each worker who may be exposed to asbestos dust resulting from an asbestos process is provided with training in the safe handling of asbestos that is appropriate to the level of risk of the asbestos process as set out in Schedule B.	
(2) No worker shall work in an asbestos process unless the worker has completed the training referred to in subsection (1).	(2) No worker shall work in an asbestos process unless the worker has completed the training referred to in subsection (1).	
High Risk Asbestos Processes	High Risk Asbestos Processes	
380. (1) Where a high risk asbestos process is in progress or has been completed, an employer shall ensure that no worker is required or permitted to enter the affected area without an approved respiratory protective device.	380. (1) Where a high risk asbestos process is in progress or has been completed, an employer shall ensure that no worker is required or permitted to enter the affected area without an approved respiratory protective device.	
(2) Notwithstanding subsection (1), an employer may require or permit a worker to enter the affected area without an approved respirator if a competent person determines that (a) there are no visible signs of debris in	(2) Notwithstanding subsection (1), an employer may require or permit a worker to enter the affected area without an approved respirator if a competent person determines that (a) there are no visible signs of debris in	

<p>that area; and (b) air monitoring verifies that airborne asbestos fibre concentrations are less than 0.01 fibres per cubic centimetre of air.</p>	<p>that area; and (b) air monitoring verifies that airborne asbestos fibre concentrations are less than 0.01 fibres per cubic centimetre of air.</p>	
<p>Medical Examinations</p>	<p>Medical Examinations</p>	
<p>381. (1) In this section, "worker" means a worker who is regularly employed in an asbestos process.</p>	<p>381. (1) In this section, "worker" means a worker who is regularly employed in an asbestos process.</p>	<p><u>Stakeholders</u>: why would we not use occupational worker as for radiation section should it not be occupational worker.</p> <p><u>Committee</u>: In the Part 23 (Radiation) we use both "worker" and "occupational worker". "Occupational worker" is exclusively one who works with radiation, whereas "worker" could include an "occupational worker" but also includes other workers who are not "occupational workers". To expand that term to include workers working with asbestos or silica blasting will make that term too general.</p>
<p>(2) Not less than once every two years and with consent of the worker, the employer shall (a) arrange for the worker to have a medical examination during the worker's normal working hours; and (b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover.</p>	<p>(2) Not less than once every two years and with consent of the worker, the employer shall (a) arrange for the worker to have a medical examination during the worker's normal working hours; and (b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover.</p>	
<p>(3) Where a worker cannot attend a medical examination referred to in subsection (2) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.</p>	<p>(3) Where a worker cannot attend a medical examination referred to in subsection (2) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.</p>	
<p>(4) A medical examination arranged pursuant to subsection (2) must include</p>	<p>(4) A medical examination arranged pursuant to subsection (2) must include</p>	

<p>(a) a comprehensive medical history and physical examination with special attention to the respiratory system;</p> <p>(b) lung function tests, including forced vital capacity and forced expiratory volume at one second; and</p> <p>(c) any further medical investigations that are necessary for the diagnosis of an asbestos-related disease.</p>	<p>(a) a comprehensive medical history and physical examination with special attention to the respiratory system;</p> <p>(b) lung function tests, including forced vital capacity and forced expiratory volume at one second; and</p> <p>(c) any further medical investigations that are necessary for the diagnosis of an asbestos-related disease.</p>	
<p>PART 25 SILICA AND ABRASIVE BLASTING</p>	<p>PART 25 SILICA AND ABRASIVE BLASTING</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>382. In this Part,</p> <p>"abrasive blasting" means the cleaning, smoothing, roughening or removing of part of the surface of any article by the use of a jet of sand, metal shot, grit or other material;</p> <p>"blasting enclosure" means a chamber, barrel, cabinet or other similar enclosure designed for the purpose of the abrasive blasting of articles;</p> <p>"cleaning of castings" means, in connection with the making of metal castings, the freeing of the castings from adherent sand or other substance containing more than 5% uncombined silica, and includes the removal of cores and the general smoothing of the castings where that freeing is done, but does not include the freeing of castings from scale formed during annealing or heat treatment;</p> <p>"sandblasting" means an abrasive blasting process that uses sand as an abrasive;</p>	<p>382. In this Part,</p> <p>"abrasive blasting" means the cleaning, smoothing, roughening or removing of part of the surface of any article by the use of a jet of sand, metal shot, grit or other material;</p> <p>"blasting enclosure" means a chamber, barrel, cabinet or other similar enclosure designed for the purpose of the abrasive blasting of articles;</p> <p>"cleaning of castings" means, in connection with the making of metal castings, the freeing of the castings from adherent sand or other substance containing more than 5% uncombined silica, and includes the removal of cores and the general smoothing of the castings where that freeing is done, but does not include the freeing of castings from scale formed during annealing or heat treatment;</p> <p>"sandblasting" means an abrasive blasting process that uses sand as an abrasive;</p>	

<p>"silica flour" means the ground material produced by the milling of siliceous rocks or other siliceous substances;</p> <p>"silica process" means a process that may release uncombined silica in a crystalline form in concentrations likely to exceed the contamination limits set out in Schedule S, and includes</p> <ul style="list-style-type: none"> (a) sandblasting, (b) the cleaning of castings, (c) the abrasive blasting, grinding or dressing of any surface that contains more than 5% uncombined silica, including the engraving or abrasive cleaning of gravestones or structures, (d) the getting, cutting, splitting, crushing, grinding, milling, drilling, sieving or other mechanical manipulation of gravel or other siliceous stone or rock that contains more than 5% uncombined silica, (e) any process in which silica flour is used, and (f) the manufacture of silica containing bricks and the dismantling or repair of silica containing refractory linings of furnaces; <p>"siliceous substances" includes diatomite;</p> <p>"uncombined silica" means silica that is not combined chemically with any other element or compound.</p>	<p>"silica flour" means the ground material produced by the milling of siliceous rocks or other siliceous substances;</p> <p>"silica process" means a process that may release uncombined silica in a crystalline form in concentrations likely to exceed the contamination limits set out in Schedule S, and includes</p> <ul style="list-style-type: none"> (a) sandblasting, (b) the cleaning of castings, (c) the abrasive blasting, grinding or dressing of any surface that contains more than 5% uncombined silica, including the engraving or abrasive cleaning of gravestones or structures, (d) the getting, cutting, splitting, crushing, grinding, milling, drilling, sieving or other mechanical manipulation of gravel or other siliceous stone or rock that contains more than 5% uncombined silica, (e) any process in which silica flour is used, and (f) the manufacture of silica containing bricks and the dismantling or repair of silica containing refractory linings of furnaces; <p>"siliceous substances" includes diatomite;</p> <p>"uncombined silica" means silica that is not combined chemically with any other element or compound.</p>	
<p>Application of Part</p>	<p>Application of Part</p>	
<p>383.This Part applies to a work site where a silica process is used.</p>	<p>383.This Part applies to a work site where a silica process is used.</p>	

Warning of Workers	Warning of Workers	
384.An employer shall warn all workers who are likely to be engaged in a silica process or are likely to be exposed to silica dust of the dangers to health from the inhalation of dust containing silica.	384.An employer shall warn all workers who are likely to be engaged in a silica process or are likely to be exposed to silica dust of the dangers to health from the inhalation of dust containing silica.	
Cleaning of Blasting Equipment	Cleaning of Blasting Equipment	
385.An employer shall take all practicable steps to prevent the inhalation of silica dust or the dissemination of silica dust into the air of the work site during the cleaning or maintenance of any blasting equipment, blasting enclosure, ventilating system or separating equipment.	385.An employer shall take all practicable steps to prevent the inhalation of silica dust or the dissemination of silica dust into the air of the work site during the cleaning or maintenance of any blasting equipment, blasting enclosure, ventilating system or separating equipment.	
Cleaning of Work Sites	Cleaning of Work Sites	
386.An employer shall ensure that all work sites, where dust from a silica process may affect the health or safety of a worker, are regularly cleaned using a vacuum that has a HEPA filter on the exhaust or, where a vacuum is not practicable, by using wet methods.	386.An employer shall ensure that all work sites, where dust from a silica process may affect the health or safety of a worker, are regularly cleaned using a vacuum that has a HEPA filter on the exhaust or, where a vacuum is not practicable, by using wet methods.	
Silica Processes Other than Abrasive Blasting	Silica Processes Other than Abrasive Blasting	
387.(1) Where a silica process other than abrasive blasting is carried on, an employer shall ensure that the entry of dust into the air where workers may be present is prevented, to the extent that is practicable, by the provision of <ul style="list-style-type: none"> (a) total or partial enclosure of the process; (b) efficient local exhaust ventilation; (c) jets or sprays of a suitable wetting agent; or (d) any other method that provides equivalent protection to the workers. 	387.(1) Where a silica process other than abrasive blasting is carried on, an employer shall ensure that the entry of dust into the air where workers may be present is prevented, to the extent that is practicable, by the provision of <ul style="list-style-type: none"> (a) total or partial enclosure of the process; (b) efficient local exhaust ventilation; (c) jets or sprays of a suitable wetting agent; or (d) any other method that provides equivalent protection to the workers. 	
(2) An employer shall ensure that any enclosure, apparatus or exhaust-ventilation	(2) An employer shall ensure that any enclosure, apparatus or exhaust-ventilation	

<p>equipment provided pursuant to subsection (1) is</p> <ul style="list-style-type: none"> (a) maintained in accordance with subsections 78(2) and (3); (b) inspected daily when in use; and (c) certified as safe and effective by a competent person at least once each year. 	<p>equipment provided pursuant to subsection (1) is</p> <ul style="list-style-type: none"> (a) maintained in accordance with subsections 78(2) and (3); (b) inspected daily when in use; and (c) certified as safe and effective by a competent person at least once each year. 	
<p>(3) An employer shall ensure that no air discharged from a ventilation system provided pursuant to subsection (1) is recirculated in the work site unless the air is passed through an effective dust removal system equipped with a device that will provide a warning to workers when the system is not working effectively.</p>	<p>(3) An employer shall ensure that no air discharged from a ventilation system provided pursuant to subsection (1) is recirculated in the work site unless the air is passed through an effective dust removal system equipped with a device that will provide a warning to workers when the system is not working effectively.</p>	
<p>Isolation from Air Containing Dust</p>	<p>Isolation from Air Containing Dust</p>	
<p>388. Where it is not practicable to prevent the entry into the air of dust from a silica process, an employer shall, where it is practicable, provide for the isolation of workers from the air containing the dust.</p>	<p>388. Where it is not practicable to prevent the entry into the air of dust from a silica process, an employer shall, where it is practicable, provide for the isolation of workers from the air containing the dust.</p>	
<p>Personal Protective Equipment</p>	<p>Personal Protective Equipment</p>	
<p>389. (1) An employer shall provide, and require a worker to wear, a respiratory protective device and other personal protective equipment that meet the requirements of Part 7 where</p> <ul style="list-style-type: none"> (a) the protective measures required by section 387 or section 388 are not practicable ; or (b) the worker is employed in cleaning and maintenance work and may be exposed to dust from a silica process. 	<p>389. (1) An employer shall provide, and require a worker to wear, a respiratory protective device and other personal protective equipment that meet the requirements of Part 7 where</p> <ul style="list-style-type: none"> (a) the protective measures required by section 387 or section 388 are not practicable ; or (b) the worker is employed in cleaning and maintenance work and may be exposed to dust from a silica process. 	<p><u>Stakeholders</u>: practicable is vague should be achievable first priority is control by design</p> <p><u>Committee</u>: For a discussion on the use of "reasonably practicable" see page 11.</p>
<p>(2) For workers engaged in abrasive blasting, an employer shall provide and maintain approved blasting hoods supplied with air</p> <ul style="list-style-type: none"> (a) of a volume of not less than 170 L per minute at a pressure of not more 	<p>(2) For workers engaged in abrasive blasting, an employer shall provide and maintain approved blasting hoods supplied with air</p> <ul style="list-style-type: none"> (a) of a volume of not less than 170 L per minute at a pressure of not 	<p><u>Stakeholders</u>: 19 psi falls under the compressed air also need CO monitor</p> <p><u>Committee</u>: Under s. 293 the definition of "compressed air" requires the pressure to be</p>

<p>than 140 kPa; and (b) that is clean and at a reasonable temperature.</p>	<p>more than 140 kPa; and (b) that is clean and at a reasonable temperature.</p>	<p>higher than 15 kPa above atmospheric pressure (101.3 kPa). So 19 psi is about 130 kPa. The worker is not working in a compressed air environment but with a device that uses compressed air to blow the dust.</p> <p>CO (carbon monoxide) is a chemical gas and there are CO exposure limits (see Part 21 Chemical and Biological Substances (Schedules R and S)). Ventilation, PPE etc. are also applicable. This part is not concerned with CO exposure but silica dust exposure.</p>
<p>(3) For workers who may be exposed to dust resulting from abrasive blasting, an employer shall provide and maintain respiratory protective devices that meet the requirements of Part 7.</p>	<p>(3) For workers who may be exposed to dust resulting from abrasive blasting, an employer shall provide and maintain respiratory protective devices that meet the requirements of Part 7.</p>	
<p style="text-align: center;">Blasting Enclosures</p>	<p style="text-align: center;">Blasting Enclosures</p>	
<p>390. (1) An employer shall ensure that a blasting enclosure is</p> <ul style="list-style-type: none"> (a) constructed, operated and maintained to prevent the escape of dust; (b) provided with an efficient, dust-extraction system, that is operated continuously whenever the blasting enclosure is in use, whether or not abrasive blasting is actually taking place; and (c) provided with efficient equipment for separating the abrasive from the dust, to the extent that is practicable 	<p>390. (1) An employer shall ensure that a blasting enclosure is</p> <ul style="list-style-type: none"> (a) constructed, operated and maintained to prevent the escape of dust; (b) provided with an efficient, dust-extraction system, that is operated continuously whenever the blasting enclosure is in use, whether or not abrasive blasting is actually taking place; and (c) provided with efficient equipment for separating the abrasive from the dust, to the extent that is practicable 	
<p>(2) An employer shall ensure that an abrasive is not reintroduced into a blasting apparatus until the abrasive has been separated from the dust pursuant to paragraph (1)(c).</p>	<p>(2) An employer shall ensure that an abrasive is not reintroduced into a blasting apparatus until the abrasive has been separated from the dust pursuant to paragraph (1)(c).</p>	

<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a blasting enclosure is inspected daily when in use; (b) a blasting enclosure, the equipment connected with the enclosure and the ventilating system associated with the enclosure are thoroughly examined and tested regularly by a competent person; and (c) all defects identified pursuant to this section are remedied immediately. 	<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a blasting enclosure is inspected daily when in use; (b) a blasting enclosure, the equipment connected with the enclosure and the ventilating system associated with the enclosure are thoroughly examined and tested regularly by a competent person; and (c) all defects identified pursuant to this section are remedied immediately. 	
<p>(4) A competent person who carries out examinations and testing pursuant to paragraph (3)(b) shall record the results of those examinations and tests.</p>	<p>(4) A competent person who carries out examinations and testing pursuant to paragraph (3)(b) shall record the results of those examinations and tests.</p>	
<p>Use of Blasting Enclosures</p>	<p>Use of Blasting Enclosures</p>	
<p>391. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) to the extent that is practicable, no abrasive blasting of articles that are likely to give rise to dust containing uncombined silica is done other than in a blasting enclosure; (b) where practicable, no sand or other substance containing more than 1% by weight of uncombined silica is used for abrasive blasting in a blasting enclosure; and (c) no work is performed in a blasting enclosure except <ul style="list-style-type: none"> (i) abrasive blasting and work immediately incidental to abrasive blasting, and (ii) cleaning and maintenance of the blasting enclosure, the equipment associated with the blasting enclosure and the 	<p>391. An employer shall ensure that</p> <ul style="list-style-type: none"> (a) to the extent that is practicable, no abrasive blasting of articles that are likely to give rise to dust containing uncombined silica is done other than in a blasting enclosure; (b) where practicable, no sand or other substance containing more than 1% by weight of uncombined silica is used for abrasive blasting in a blasting enclosure; and (c) no work is performed in a blasting enclosure except <ul style="list-style-type: none"> (i) abrasive blasting and work immediately incidental to abrasive blasting, and (ii) cleaning and maintenance of the blasting enclosure, the equipment associated with the blasting enclosure and the 	

ventilation system.	ventilation system.	
Sandblasting	Sandblasting	
392. (1) An employer shall ensure that no sandblasting is done to any article outside a blasting enclosure where it is practicable to introduce the article into a blasting enclosure.	392. (1) An employer shall ensure that no sandblasting is done to any article outside a blasting enclosure where it is practicable to introduce the article into a blasting enclosure.	
(2) An employer shall ensure that no sandblasting is done inside any structure or confined space without (a) obtaining the written permission of the Chief Safety Officer; and (b) complying with any conditions that the Chief Safety Officer may specify.	(2) An employer shall ensure that no sandblasting is done inside any structure or confined space without (a) obtaining the written permission of the Chief Safety Officer; and (b) complying with any conditions that the Chief Safety Officer may specify.	<u>Stakeholders</u> : is not the blasting enclosure a confined space? Why approval requirement sandblasting is performed in a variety of places steel or concrete bridges, steel structures, tanks - <u>Committee</u> : A blasting enclosure could be a confined space (but not always). Written permission is also required under the current <i>Silica Sandblasting Safety Regulations</i> .
Silica Flour	Silica Flour	
393. An employer shall ensure that no silica flour is used (a) for any purpose for which a less hazardous substance may be substituted; or (b) in the manufacture of scouring powder or abrasive soaps or as an abrasive in any process.	393. An employer shall ensure that no silica flour is used (a) for any purpose for which a less hazardous substance may be substituted; or (b) in the manufacture of scouring powder or abrasive soaps or as an abrasive in any process.	
Medical Examinations	Medical Examinations	
394. (1) In this section, "worker" means a worker who is regularly employed in a silica process.	394. (1) In this section, "worker" means a worker who is regularly employed in a silica process.	<u>Stakeholders</u> : same observation as under asbestos provisions should it not be occupational worker. <u>Committee</u> : In the Part 23 (Radiation) we use both "worker" and "occupational worker". "Occupational worker" is exclusively one who works with radiation, whereas "worker" could include an "occupational worker" but also includes other workers who are not "occupational workers". To expand that term to include workers working with asbestos or silica

		blasting will make that term too general.
<p>(2) Not less than once every two years and with consent of the worker, the employer shall</p> <ul style="list-style-type: none"> (a) arrange for the worker to have a medical examination during the worker's normal working hours; and (b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover. 	<p>(2) Not less than once every two years and with consent of the worker, the employer shall</p> <ul style="list-style-type: none"> (a) arrange for the worker to have a medical examination during the worker's normal working hours; and (b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover. 	
<p>(3) Where a worker cannot attend a medical examination referred to in subsection (2) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.</p>	<p>(3) Where a worker cannot attend a medical examination referred to in subsection (2) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.</p>	
<p>(4) A medical examination arranged pursuant to subsection (2) must include</p> <ul style="list-style-type: none"> (a) a comprehensive medical history and physical examination with special attention to the respiratory system; (b) lung function tests, including forced vital capacity and forced expiratory volume at one second; and (c) any further medical investigations that are necessary for the diagnosis of a silica-related disease. 	<p>(4) A medical examination arranged pursuant to subsection (2) must include</p> <ul style="list-style-type: none"> (a) a comprehensive medical history and physical examination with special attention to the respiratory system; (b) lung function tests, including forced vital capacity and forced expiratory volume at one second; and (c) any further medical investigations that are necessary for the diagnosis of a silica-related disease. 	
<p>PART 26 FIRE AND EXPLOSION HAZARDS</p>	<p>PART 26 FIRE AND EXPLOSION HAZARDS</p>	
<p>Interpretation</p>	<p>Interpretation</p>	
<p>395. In this Part,</p> <p>"combustible liquid" means a liquid that has a flashpoint at or above 37.8° C and below 93.3° C;</p> <p>"container" means a stationary or portable vessel</p>	<p>395. In this Part,</p> <p>"combustible liquid" means a liquid that has a flashpoint at or above 37.8° C and below 93.3° C;</p> <p>"container" means a stationary or portable vessel</p>	

<p>that is used to contain a flammable substance, and includes a tank, tank car, tank truck and a cylinder;</p> <p>"flammable liquid" means a liquid that has a flashpoint below 37.8° C and has a vapour pressure not exceeding 275.8 kPa at 37.8° C;</p> <p>"flammable substance" means</p> <ul style="list-style-type: none"> (a) a flammable or combustible solid, liquid or gas, or (b) dust that is capable of creating an explosive atmosphere when suspended in air in concentrations within the explosive limit of the dust; <p>"hot work" means work that produces arcs, sparks, flames, heat or other sources of ignition;</p> <p>"system" means a system into which compressed or liquified gases are delivered and stored and from which the compressed or liquified gas is discharged in the liquid or gaseous form, and includes containers, pressure regulators, pressure relief devices, manifolds, interconnecting piping and controls.</p>	<p>that is used to contain a flammable substance, and includes a tank, tank car, tank truck and a cylinder;</p> <p>"flammable liquid" means a liquid that has a flashpoint below 37.8° C and has a vapour pressure not exceeding 275.8 kPa at 37.8° C;</p> <p>"flammable substance" means</p> <ul style="list-style-type: none"> (a) a flammable or combustible solid, liquid or gas, or (b) dust that is capable of creating an explosive atmosphere when suspended in air in concentrations within the explosive limit of the dust; <p>"hot work" means work that produces arcs, sparks, flames, heat or other sources of ignition;</p> <p>"system" means a system into which compressed or liquified gases are delivered and stored and from which the compressed or liquified gas is discharged in the liquid or gaseous form, and includes containers, pressure regulators, pressure relief devices, manifolds, interconnecting piping and controls.</p>	
<p>Fire Safety Plan</p>	<p>Fire Safety Plan</p>	
<p>396. (1) An employer shall</p> <ul style="list-style-type: none"> (a) take all reasonably practicable steps to prevent the outbreak of fire at a work site and to provide effective means to protect workers from any fire that may occur; and (b) develop and implement a written fire safety plan that provides for the safety of all workers in the event of a 	<p>396. (1) An employer shall</p> <ul style="list-style-type: none"> (a) take all reasonably practicable steps to prevent the outbreak of fire at a work site and to provide effective means to protect workers from any fire that may occur; and (b) develop and implement a written fire safety plan that provides for the safety of all workers in the event of 	<p><u>Stakeholders:</u> re: ss. 396, 397 and 447-448- ISSUE: DUPLICATING SECTIONS FROM OTHER ACTS OR CODES These sections at least in some cases would appear to be deal with items that are already covered under the National Building Code, the National Fire Code and the Electrical Protection Act. If these items are already covered under these codes and Act, then</p>

<p>fire.</p>	<p>a fire.</p>	<p>if the requirements in these codes and Act changes, then WSCC would have to go back and amend these regulations every time that happened if they wanted to keep their regulations consistent with these documents. It is suggested that generally referring to the requirements in these Codes and Act would mean that whatever these items changed, there would not be a requirement to change these Regulations. PWS recommends that if an area is already dealt with somewhere else such as another Act, regulation or code, then it does not have to be included in these regulations.</p> <p><u>Committee</u>: Care has been taken to avoid dealing with a matter here that is dealt with in another enactment. Codes are a different matter.</p> <p>For more information on codes of practice, standards and codes see page 10 and also the comments associated with section 5.</p> <p><u>Stakeholders</u>: re: (ii) what if there is no fire department?</p> <p><u>Committee</u>: If there is no fire department, then it cannot be notified. Some remote sites may have a firefighting team and effectively that team would be the fire department.</p>
<p>(2) A plan developed pursuant to subsection (1) must include</p> <p>(a) the emergency procedures to be used in case of fire, including</p> <p>(i) sounding the fire alarm,</p> <p>(ii) notifying the fire department, and</p> <p>(iii) evacuating endangered workers, with special provisions</p>	<p>(2) A plan developed pursuant to subsection (1) must include</p> <p>(a) the emergency procedures to be used in case of fire, including</p> <p>(i) sounding the fire alarm,</p> <p>(ii) notifying the fire department, and</p> <p>(iii) evacuating endangered workers, with special provisions</p>	<p><u>Stakeholders</u>: re: para (e) what is a fire drill is that emergency response team training or does that mean a complete work site fire drill with complete evacuation of workers where is it a complete work site fire drill it should have a report on the fire drill and it should be submitted to the CSO?</p> <p><u>Committee</u>: The employer is responsible under</p>

<p>for workers with disabilities;</p> <ul style="list-style-type: none"> (b) the quantities, locations and storage methods of all flammable substances present at the work site; (c) the designation of persons to carry out the fire safety plan and the duties of the designated persons; (d) the training of designated persons and workers in their responsibilities for fire safety; (e) the holding of fire drills; and (f) the control of fire hazards. 	<p>for workers with disabilities;</p> <ul style="list-style-type: none"> (b) the quantities, locations and storage methods of all flammable substances present at the work site; (c) the designation of persons to carry out the fire safety plan and the duties of the designated persons; (d) the training of designated persons and workers in their responsibilities for fire safety; (e) the holding of fire drills; and (f) the control of fire hazards. 	<p>this section. Details surrounding fire drills are present in the National Fire Code. Codes of practice can address this.</p>
<ul style="list-style-type: none"> (3) An employer shall ensure that <ul style="list-style-type: none"> (a) designated persons and workers who have been assigned fire safety duties are adequately trained in, and implement, the fire safety plan; (b) the fire safety plan is posted in a conspicuous place for reference by workers; and (c) a fire drill is held at least once during each 12-month period. 	<ul style="list-style-type: none"> (3) An employer shall ensure that <ul style="list-style-type: none"> (a) designated persons and workers who have been assigned fire safety duties are adequately trained in, and implement, the fire safety plan; (b) the fire safety plan is posted in a conspicuous place for reference by workers; and (c) a fire drill is held at least once during each 12-month period. 	
<p style="text-align: center;">Fire Extinguishers</p>	<p style="text-align: center;">Fire Extinguishers</p>	
<p>397. (1) An employer shall ensure that portable fire extinguishers are selected, located, inspected, maintained and tested so that the health and safety of workers at the work site is protected.</p>	<p>397. (1) An employer shall ensure that portable fire extinguishers are selected, located, inspected, maintained and tested so that the health and safety of workers at the work site is protected.</p>	<p>Stakeholders: re: ss. 396, 397 and 447-448- ISSUE: DUPLICATING SECTIONS FROM OTHER ACTS OR CODES These sections at least in some cases would appear to be deal with items that are already covered under the National Building Code, the National Fire Code and the Electrical Protection Act. If these items are already covered under these codes and Act, then if the requirements in these codes and Act changes, then WSCC would have to go back and amend these regulations every time that happened if they wanted to keep their regulations consistent with these documents. It is</p>

		<p>suggested that generally referring to the requirements in these Codes and Act would mean that whatever these items changed, there would not be a requirement to change these Regulations. PWS recommends that if an area is already dealt with somewhere else such as another Act, regulation or code, then it does not have to be included in these regulations.</p> <p><u>Committee:</u> Care has been taken to avoid dealing with a matter here, where it is dealt with in another enactment. Codes are a different matter.</p> <p>For more information on codes of practice, standards and codes see page 10 and also the comments associated with section 5.</p> <p><u>Stakeholders:</u> 1. A section about employers being responsible for having fire extinguishers on or in all vehicles.</p> <p><u>Committee:</u> As work vehicles are effectively included in the definition of a "work site" in section 1 of the <i>Safety Act</i>, this is covered by 397(1).</p> <p><u>Stakeholders:</u> 2. References to the <i>Fire Prevention Act</i> may be required.</p> <p><u>Committee:</u> This could be done in codes of practice, guidelines or other explanatory materials, to make employers and workers aware that that Act applies to their operations. The reference is not needed in these regulations.</p>
<p>(2) An employer shall ensure that portable fire extinguishers are placed not more than 9 m away from</p>	<p>(2) An employer shall ensure that portable fire extinguishers are placed not more than 9 m away from</p>	<p><u>Stakeholders:</u> re: (b) could be healing process suggests "(b) each hot work operation that is in progress"</p>

<p>(a) each industrial open-flame portable heating device, tar pot or asphalt kettle that is in use; and (b) each welding or cutting operation that is in progress.</p>	<p>(a) each industrial open-flame portable heating device, tar pot or asphalt kettle that is in use; and (b) each welding or cutting operation that is in progress.</p>	<p><u>Committee</u>: Healing in respect of metallurgy refers to cathodic protection. Stakeholder may mean "annealing". To anneal metal an industrial open-flame portable device will be needed so that falls under paragraph (a). To do the modification would make paragraph (b) too vague. The code of practice can elaborate on annealing processes and healing processes.</p>
<p>Garbage as Fire Hazard</p>	<p>Garbage as Fire Hazard</p>	
<p>398.(1) In this section, "garbage" does not include waste that is being processed at a waste disposal facility.</p>	<p>398.(1) In this section, "garbage" does not include waste that is being processed at a waste disposal facility.</p>	
<p>(2) Where garbage that may constitute a fire hazard is present at a work site, an employer shall provide covered receptacles for the garbage that are suitable to the nature of the hazard.</p>	<p>(2) Where garbage that may constitute a fire hazard is present at a work site, an employer shall provide covered receptacles for the garbage that are suitable to the nature of the hazard.</p>	
<p>Procedures for Flammable Substances</p>	<p>Procedures for Flammable Substances</p>	
<p>399.(1) Where a flammable substance is or is intended to be handled, used, stored, produced or disposed of at a work site, an employer shall develop written procedures to ensure the health and safety of workers who (a) handle, use, store, produce or dispose of a flammable substance that may spontaneously ignite or ignite when in combination with any other substance; or (b) perform hot work where there is a risk of fire.</p>	<p>399.(1) Where a flammable substance is or is intended to be handled, used, stored, produced or disposed of at a work site, an employer shall develop written procedures to ensure the health and safety of workers who (a) handle, use, store, produce or dispose of a flammable substance that may spontaneously ignite or ignite when in combination with any other substance; or (b) perform hot work where there is a risk of fire.</p>	
<p>(2) An employer shall ensure that all workers who are required or permitted to perform work referred to in subsection (1) are trained in, and implement, the procedures developed pursuant to subsection (1).</p>	<p>(2) An employer shall ensure that all workers who are required or permitted to perform work referred to in subsection (1) are trained in, and implement, the procedures developed pursuant to subsection (1).</p>	
<p>(3) Workers who perform work referred to in subsection (1) shall implement the procedures</p>	<p>(3) Workers who perform work referred to in subsection (1) shall implement the procedures</p>	

developed pursuant to subsection (1).	developed pursuant to subsection (1).	
Receptacles for Materials Contaminated by Flammable Liquids	Receptacles for Materials Contaminated by Flammable Liquids	
400. (1) An employer shall ensure that materials contaminated by flammable liquids are placed in receptacles that <ul style="list-style-type: none"> (a) are non-combustible and have close-fitting metal covers; (b) are labelled "flammable"; and (c) are located at least 1 m away from other flammable liquids. 	400. (1) An employer shall ensure that materials contaminated by flammable liquids are placed in receptacles that <ul style="list-style-type: none"> (a) are non-combustible and have close-fitting metal covers; (b) are labelled "flammable"; and (c) are located at least 1 m away from other flammable liquids. 	<u>Stakeholders</u> : why should it not be at least 6 m from an ignition source? <u>Committee</u> : The distance is 1 m from other flammable liquids. Proximity to ignition source is a Fire Code issue. WHMIS may also apply. This section concerns the container.
(2) Where the surface on which a receptacle required by subsection (1) is placed is combustible, an employer shall ensure that the receptacle has a flanged bottom or legs that are not less than 50 mm high.	(2) Where the surface on which a receptacle required by subsection (1) is placed is combustible, an employer shall ensure that the receptacle has a flanged bottom or legs that are not less than 50 mm high.	
(3) A worker shall place materials contaminated by flammable liquids and garbage that may constitute a fire hazard into the appropriate receptacle required by this section or by section 398.	(3) A worker shall place materials contaminated by flammable liquids and garbage that may constitute a fire hazard into the appropriate receptacle required by this section or by section 398.	
Receptacles for Combustible or Flammable Liquids	Receptacles for Combustible or Flammable Liquids	
401. An employer shall ensure that combustible and flammable liquids are kept in receptacles that meet the requirements of the <i>National Fire Code of Canada</i> 2005, as amended from time to time, respecting the storage of flammable and combustible liquids.	401. An employer shall ensure that combustible and flammable liquids are kept in receptacles that meet the requirements of the <i>National Fire Code of Canada</i> 2005, as amended from time to time, respecting the storage of flammable and combustible liquids.	
Activities Involving Combustible or Flammable Liquids	Activities Involving Combustible or Flammable Liquids	
402. (1) An employer shall ensure that <ul style="list-style-type: none"> (a) no gasoline is used to start a fire or used as a cleaning agent; and (b) no worker is required or permitted <ul style="list-style-type: none"> (i) to replenish a tank on a heating 	402. (1) An employer shall ensure that <ul style="list-style-type: none"> (a) no gasoline is used to start a fire or used as a cleaning agent; and (b) no worker is required or permitted <ul style="list-style-type: none"> (i) to replenish a tank on a heating 	

<p>device with a combustible or flammable liquid while the device is in operation or is hot enough to ignite the liquid, or</p> <p>(ii) to place a tar pot, while in use, within 3 m of an entrance to or exit from a building.</p>	<p>device with a combustible or flammable liquid while the device is in operation or is hot enough to ignite the liquid, or</p> <p>(ii) to place a tar pot, while in use, within 3 m of an entrance to or exit from a building.</p>	
<p>(2) A worker shall not</p> <p>(a) use gasoline to start a fire or use gasoline as a cleaning agent; or</p> <p>(b) replenish a tank on a heating device with a flammable or combustible liquid while the device is in operation or is hot enough to ignite the liquid.</p>	<p>(2) A worker shall not</p> <p>(a) use gasoline to start a fire or use gasoline as a cleaning agent; or</p> <p>(b) replenish a tank on a heating device with a flammable or combustible liquid while the device is in operation or is hot enough to ignite the liquid.</p>	
<p>Control of Ignition Sources and Static Charges</p>	<p>Control of Ignition Sources and Static Charges</p>	
<p>403. An employer shall ensure that</p> <p>(a) suitable procedures are developed and implemented to prevent the ignition of flammable liquids or explosive dusts that are present at a work site;</p> <p>(b) all sources or potential sources of ignition are eliminated or controlled where an explosive atmosphere exists or is likely to exist; and</p> <p>(c) static charge accumulations during transfer of flammable liquids or explosive substances from one container to another are prevented by electrically bonding the containers.</p>	<p>403. An employer shall ensure that</p> <p>(a) suitable procedures are developed and implemented to prevent the ignition of flammable liquids or explosive dusts that are present at a work site;</p> <p>(b) all sources or potential sources of ignition are eliminated or controlled where an explosive atmosphere exists or is likely to exist; and</p> <p>(c) static charge accumulations during transfer of flammable liquids or explosive substances from one container to another are prevented by electrically bonding the containers.</p>	
<p>Flammable Liquids, Gases or Explosive Substances in Vehicles</p>	<p>Flammable Liquids, Gases or Explosive Substances in Vehicles</p>	
<p>404. (1) An employer shall ensure that no worker undertakes any servicing or maintenance of a vehicle while a flammable liquid or gas or an</p>	<p>404. (1) An employer shall ensure that no worker undertakes any servicing or maintenance of a vehicle while a flammable liquid or gas or an</p>	

<p>explosive substance</p> <ul style="list-style-type: none"> (a) is loaded into or unloaded from the vehicle; or (b) is present in the vehicle in any place other than the fuel tank. 	<p>explosive substance</p> <ul style="list-style-type: none"> (a) is loaded into or unloaded from the vehicle; or (b) is present in the vehicle in any place other than the fuel tank. 	
<p>(2) Where reasonably practicable, a worker who operates a vehicle that contains a flammable liquid or gas or an explosive substance shall ensure that the engine of the vehicle is shut off during the connection or disconnection of the lines for the loading or unloading of the flammable liquid, gas or explosive substance.</p>	<p>(2) Where reasonably practicable, a worker who operates a vehicle that contains a flammable liquid or gas or an explosive substance shall ensure that the engine of the vehicle is shut off during the connection or disconnection of the lines for the loading or unloading of the flammable liquid, gas or explosive substance.</p>	<p><u>Stakeholders</u>: it should be shut off unless required for the loading or unloading operation</p> <p><u>Committee</u>: The shut off during connection and disconnection is to avoid static electrical discharge. The shut off is for connection and disconnection, not for loading and unloading. Note “reasonably practicable” applies too.</p>
<p>Flammable or Explosive Substance in Atmosphere</p>	<p>Flammable or Explosive Substance in Atmosphere</p>	
<p>405. (1) Where a flammable or explosive substance is present in the atmosphere of a work site at a level that is more than 20% of the lower explosive limit of that substance, an employer shall not require or permit a worker to enter or work at the work site.</p>	<p>405. (1) Where a flammable or explosive substance is present in the atmosphere of a work site at a level that is more than 20% of the lower explosive limit of that substance, an employer shall not require or permit a worker to enter or work at the work site.</p>	
<p>(2) Subsection (1) does not apply to</p> <ul style="list-style-type: none"> (a) a fire fighter who has been trained pursuant to section 481; or (b) a competent worker who meets the requirements of subsection (3) and who is acting in an emergency situation at the work site. 	<p>(2) Subsection (1) does not apply to</p> <ul style="list-style-type: none"> (a) a fire fighter who has been trained pursuant to section 481; or (b) a competent worker who meets the requirements of subsection (3) and who is acting in an emergency situation at the work site. 	
<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) the competent worker referred to in paragraph (2)(b) is trained, equipped and works according to an approved standard; (b) the training required by paragraph (a) is provided by a competent person; and (c) a written record is kept of all 	<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) the competent worker referred to in paragraph (2)(b) is trained, equipped and works according to an approved standard; (b) the training required by paragraph (a) is provided by a competent person; and (c) a written record is kept of all 	

training delivered to a worker pursuant to paragraph (a).	training delivered to a worker pursuant to paragraph (a).	
Hot Work	Hot Work	
406. (1) Where a flammable substance is or may be present, an employer shall ensure that no hot work is performed until (a) suitable tests have been conducted that (i) indicate whether the atmosphere contains a flammable substance in a quantity sufficient to create an explosive atmosphere, and (ii) confirm that the work may be safely performed; and (b) the work procedures developed pursuant to paragraph 399(1)(b) have been implemented to ensure continuous safe performance of the work.	406. (1) Where a flammable substance is or may be present, an employer shall ensure that no hot work is performed until (a) suitable tests have been conducted that (i) indicate whether the atmosphere contains a flammable substance in a quantity sufficient to create an explosive atmosphere, and (ii) confirm that the work may be safely performed; and (b) the work procedures developed pursuant to paragraph 399(1)(b) have been implemented to ensure continuous safe performance of the work.	<u>Stakeholders</u> : need to add explosive substance. <u>Committee</u> : Explosives are dealt with in Part 27. Subparagraph 406(1)(a)(i) makes reference to flammable substances in atmospheres that create an explosive atmosphere. Section 405 also deals with this. Therefore the concern is addressed.
(2) While hot work is being performed, an employer shall conduct tests described in paragraph (1)(a) at intervals appropriate to the work being performed and record the results.	(2) While hot work is being performed, an employer shall conduct tests described in paragraph (1)(a) at intervals appropriate to the work being performed and record the results.	
(3) An employer shall not require or permit any hot work to be performed in the vicinity of a material that may constitute a fire hazard until suitable steps have been taken to reduce the risk of fire.	(3) An employer shall not require or permit any hot work to be performed in the vicinity of a material that may constitute a fire hazard until suitable steps have been taken to reduce the risk of fire.	
(4) An employer shall ensure that a container or piping that contains or has contained a flammable substance is purged using an effective method to remove the flammable substance from the container or piping before any hot work is begun on that container or piping.	(4) An employer shall ensure that a container or piping that contains or has contained a flammable substance is purged using an effective method to remove the flammable substance from the container or piping before any hot work is begun on that container or piping.	
(5) An employer shall not require or permit	(5) An employer shall not require or permit	<u>Stakeholders</u> : suggests adding hot work

<p>any welding or cutting of metal that has been cleaned with a flammable or combustible liquid until the metal has thoroughly dried.</p>	<p>any welding or cutting of metal that has been cleaned with a flammable or combustible liquid until the metal has thoroughly dried.</p>	<p><u>Committee</u>: This section deals with hot work. Subsection (5) deals with specific types of hot work.</p>
<p>Compressed and Liquified Gas Systems</p>	<p>Compressed and Liquified Gas Systems</p>	
<p>407. (1) An employer shall (a) develop and implement written procedures for the safe installation, use and maintenance of a system; (b) make readily available for reference by workers the procedures developed pursuant to paragraph (a) before requiring or permitting the use of the system; and (c) ensure that all workers are trained in and implement the procedures developed pursuant to paragraph (a).</p>	<p>407. (1) An employer shall (a) develop and implement written procedures for the safe installation, use and maintenance of a system; (b) make readily available for reference by workers the procedures developed pursuant to paragraph (a) before requiring or permitting the use of the system; and (c) ensure that all workers are trained in and implement the procedures developed pursuant to paragraph (a).</p>	<p><u>Stakeholders</u>: have not come across storage of cylinder [stakeholder provides a draft specifying how cylinders are stored including in excess of heat sources >55 °C] <u>Committee</u>: A safe storage temperature will depend on the contents of the cylinder. "System" is a defined term in s. 395 for this Part and it includes cylinders (i.e. "containers") but also interconnecting lines, regulators etc.. Details of how cylinders are stored are covered in section 407 including temperature exposure (s. 407(3)(a)(i)).</p>
<p>(2) The workers shall implement the procedures developed pursuant to paragraph (1)(a).</p>	<p>(2) The workers shall implement the procedures developed pursuant to paragraph (1)(a).</p>	
<p>(3) An employer shall ensure (a) that a system (i) is not exposed to temperatures that may result in the failure of the system or explosion of the contents of the system, (ii) is maintained in a clean state, free from oil, grease or other contaminant that may cause a failure of the system or that may burn or explode if the contaminant comes into contact with the contents of the system, and (iii) is located, guarded and handled during filling, transportation,</p>	<p>(3) An employer shall ensure (a) that a system (i) is not exposed to temperatures that may result in the failure of the system or explosion of the contents of the system, (ii) is maintained in a clean state, free from oil, grease or other contaminant that may cause a failure of the system or that may burn or explode if the contaminant comes into contact with the contents of the system, and (iii) is located, guarded and handled during filling, transportation,</p>	<p><u>Stakeholders</u>: need the shut off valve's handle/key at the cylinder when in use. <u>Committee</u>: Covered by s. 410 and in particular s. 410(2).</p>

<p>use and storage so that the system is protected from damage;</p> <p>(b) that service valve outlets and the extensions of service valve outlets of containers that are not connected to any apparatus are capped; and</p> <p>(c) where equipment is designed for use with a particular compressed or liquified gas or gases, that</p> <p>(i) only those gases are used in the equipment, and</p> <p>(ii) the equipment is clearly labelled as being only for that use.</p>	<p>use and storage so that the system is protected from damage;</p> <p>(b) that service valve outlets and the extensions of service valve outlets of containers that are not connected to any apparatus are capped; and</p> <p>(c) where equipment is designed for use with a particular compressed or liquified gas or gases, that</p> <p>(i) only those gases are used in the equipment, and</p> <p>(ii) the equipment is clearly labelled as being only for that use.</p>	
<p>(4) A worker shall</p> <p>(a) take all reasonable steps to ensure that sparks, flames or other sources of ignition do not come into contact with a system;</p> <p>(b) maintain a system in a clean state, free from oil, grease or any other contaminant; and</p> <p>(c) secure the cap in place before transporting a container.</p>	<p>(4) A worker shall</p> <p>(a) take all reasonable steps to ensure that sparks, flames or other sources of ignition do not come into contact with a system;</p> <p>(b) maintain a system in a clean state, free from oil, grease or any other contaminant; and</p> <p>(c) secure the cap in place before transporting a container.</p>	
<p>Oxygen</p>	<p>Oxygen</p>	
<p>408. (1) An employer shall ensure that no oil, grease or other contaminant contacts a cylinder, valve, regulator or any other fitting of an oxygen-using apparatus or an oxygen distribution or generating system.</p>	<p>408. (1) An employer shall ensure that no oil, grease or other contaminant contacts a cylinder, valve, regulator or any other fitting of an oxygen-using apparatus or an oxygen distribution or generating system.</p>	
<p>(2) An employer shall ensure that oxygen is not used as a substitute for compressed air</p> <p>(a) in pneumatic tools;</p> <p>(b) to create pressure;</p> <p>(c) for ventilating purposes; or</p> <p>(d) to blow out a pipeline.</p>	<p>(2) An employer shall ensure that oxygen is not used as a substitute for compressed air</p> <p>(a) in pneumatic tools;</p> <p>(b) to create pressure;</p> <p>(c) for ventilating purposes; or</p> <p>(d) to blow out a pipeline.</p>	

<p>(3) A worker shall not use oxygen as a substitute for compressed air</p> <ul style="list-style-type: none"> (a) in pneumatic tools; (b) to create pressure; (c) for ventilating purposes; or (d) to blow out a pipeline. 	<p>(3) A worker shall not use oxygen as a substitute for compressed air</p> <ul style="list-style-type: none"> (a) in pneumatic tools; (b) to create pressure; (c) for ventilating purposes; or (d) to blow out a pipeline. 	
<p>Gas Burning and Welding Equipment</p>	<p>Gas Burning and Welding Equipment</p>	
<p>409. (1) Where gas burning or welding equipment is in use, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) approved flashback devices are installed on both hoses at the regulator end; and (b) acetylene and liquified gas containers are used and stored in an upright position. 	<p>409. (1) Where gas burning or welding equipment is in use, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) approved flashback devices are installed on both hoses at the regulator end; and (b) acetylene and liquified gas containers are used and stored in an upright position. 	
<p>(2) A worker shall shut off the container valve and release the pressure in the hose of any gas burning or welding equipment where the worker</p> <ul style="list-style-type: none"> (a) is not likely to use the equipment; or (b) leaves the equipment unattended. 	<p>(2) A worker shall shut off the container valve and release the pressure in the hose of any gas burning or welding equipment where the worker</p> <ul style="list-style-type: none"> (a) is not likely to use the equipment; or (b) leaves the equipment unattended. 	
<p>Piping</p>	<p>Piping</p>	
<p>410. (1) Where workers are required or permitted to work on piping that may contain harmful substances or substances under pressure, an employer, in consultation with the Committee, shall develop written procedures to protect the workers from contact with those substances.</p>	<p>410. (1) Where workers are required or permitted to work on piping that may contain harmful substances or substances under pressure, an employer, in consultation with the Committee, shall develop written procedures to protect the workers from contact with those substances.</p>	<p><u>Stakeholders</u>: seems out of place</p> <p><u>Committee</u>: Placement is fine.</p>
<p>(2) The procedures developed pursuant to subsection (1) must include</p> <ul style="list-style-type: none"> (a) the installation of a blank that is appropriate for the proper pressure in the piping; (b) the closing of two blocking valves installed in the piping and the 	<p>(2) The procedures developed pursuant to subsection (1) must include</p> <ul style="list-style-type: none"> (a) the installation of a blank that is appropriate for the proper pressure in the piping; (b) the closing of two blocking valves installed in the piping and the 	

<p>opening of a bleed-off valve installed between the blocking valves;</p> <p>(c) the installation of an approved safety device; or</p> <p>(d) where the procedures referred to in paragraphs (a), (b) and (c) are not reasonably practicable, any other procedures that are adequate to protect the health and safety of the workers.</p>	<p>opening of a bleed-off valve installed between the blocking valves;</p> <p>(c) the installation of an approved safety device; or</p> <p>(d) where the procedures referred to in paragraphs (a), (b) and (c) are not reasonably practicable, any other procedures that are adequate to protect the health and safety of the workers.</p>	
<p>(3) An employer shall ensure that all workers are trained in and implement the procedures developed pursuant to subsection (1).</p>	<p>(3) An employer shall ensure that all workers are trained in and implement the procedures developed pursuant to subsection (1).</p>	
<p>(4) An employer shall ensure that</p> <p>(a) the piping referred to in paragraph (2)(a) is clearly marked to indicate that a blank has been installed; or</p> <p>(b) the two blocking valves referred to in paragraph (2)(b) or the approved safety device referred to in paragraph (2)(c)</p> <p>(i) are locked in the closed position and the bleed-off valve is locked in the open position, and</p> <p>(ii) are tagged to indicate that the valves must not be activated until the tags are removed by a worker designated by the employer for that purpose.</p>	<p>(4) An employer shall ensure that</p> <p>(a) the piping referred to in paragraph (2)(a) is clearly marked to indicate that a blank has been installed; or</p> <p>(b) the two blocking valves referred to in paragraph (2)(b) or the approved safety device referred to in paragraph (2)(c)</p> <p>(i) are locked in the closed position and the bleed-off valve is locked in the open position, and</p> <p>(ii) are tagged to indicate that the valves must not be activated until the tags are removed by a worker designated by the employer for that purpose.</p>	
<p>(5) An employer shall ensure that a worker designated pursuant to subparagraph (4)(b)(ii)</p> <p>(a) monitors the valves to ensure that they are not activated while a worker is working on the piping; and</p> <p>(b) records on the tag referred to in subparagraph (4)(b)(ii) the date and</p>	<p>(5) An employer shall ensure that a worker designated pursuant to subparagraph (4)(b)(ii)</p> <p>(a) monitors the valves to ensure that they are not activated while a worker is working on the piping; and</p> <p>(b) records on the tag referred to in subparagraph (4)(b)(ii) the date and</p>	

time of each monitoring and signs the tag each time the worker monitors the valves.	time of each monitoring and signs the tag each time the worker monitors the valves.	
(6) An employer shall ensure that any valve installed on piping referred to in this section is clearly marked to indicate the open and closed positions.	(6) An employer shall ensure that any valve installed on piping referred to in this section is clearly marked to indicate the open and closed positions.	
Pigging and Testing of Pipelines	Pigging and Testing of Pipelines	
411. (1) A person who is not directly involved in a pigging and testing operation shall not be in the immediate area of piping exposed during the operation.	411. (1) A person who is not directly involved in a pigging and testing operation shall not be in the immediate area of piping exposed during the operation.	
(2) An employer shall ensure that (a) a pigcatcher on a pipeline is isolated from the pipeline and depressurized before the pig is removed, and (b) there are no workers at the end of the pipe or in the immediate vicinity of the pigcatcher if the pipe or pigcatcher is under pressure during the operation.	(2) An employer shall ensure that (a) a pigcatcher on a pipeline is isolated from the pipeline and depressurized before the pig is removed, and (b) there are no workers at the end of the pipe or in the immediate vicinity of the pigcatcher if the pipe or pigcatcher is under pressure during the operation.	
PART 27 EXPLOSIVES	PART 27 EXPLOSIVES	
Application of Part	Application of Part	
412.Nothing in this Part derogates from any provision in the <i>Explosives Use Act</i> or regulations made under that Act.	412.Nothing in this Part derogates from any provision in the <i>Explosives Use Act</i> or regulations made under that Act.	<p><u>Stakeholders</u>: Should have a blasting certificate as per the <i>Mines Safety Act</i>.</p> <p><u>Committee</u>: The <i>Mine Health and Safety Act</i> does not apply.</p> <p><u>Stakeholders</u>: need records of the blast.</p> <p><u>Committee</u>: There is an accident reporting system under the <i>Explosives Use Act</i>. A safety officer has the power to inspect, examine and take extracts from various documents (see s. 9 of the <i>Safety Act</i>).</p>

Qualifications of Workers	Qualifications of Workers	
<p>413. (1) An employer who plans to conduct blasting activities shall ensure that a worker who is to undertake a blasting operation</p> <ul style="list-style-type: none"> (a) has been thoroughly trained in <ul style="list-style-type: none"> (i) the estimation of the amount of explosives required, and in placing, priming and initiating the charge, (ii) the appropriate procedures to be followed to ensure the safety of other workers, (iii) the procedures to be followed in the event of a misfire, and (iv) the examination of the site after blasting to ensure that it is safe to return to the work site; (b) has demonstrated competence to carry out the procedures referred to in paragraph (a); (c) has a thorough knowledge of all federal and territorial statutes, regulations and codes of practice pertaining to the safe use of explosives that are relevant to the blasting operation in question; and (d) holds a written authorization to blast signed by the worker’s employer. 	<p>413. (1) An employer who plans to conduct blasting activities shall ensure that a worker who is to undertake a blasting operation</p> <ul style="list-style-type: none"> (a) has been thoroughly trained in <ul style="list-style-type: none"> (i) the estimation of the amount of explosives required, and in placing, priming and initiating the charge, (ii) the appropriate procedures to be followed to ensure the safety of other workers, (iii) the procedures to be followed in the event of a misfire, and (iv) the examination of the site after blasting to ensure that it is safe to return to the work site; (b) has demonstrated competence to carry out the procedures referred to in paragraph (a); (c) has a thorough knowledge of all federal and territorial statutes, regulations and codes of practice pertaining to the safe use of explosives that are relevant to the blasting operation in question; and (d) holds a written authorization to blast signed by the worker’s employer. 	<p><u>Stakeholders:</u> drilling and blasting procedures must follow the MHSR [<i>Mine Health and Safety Regulations</i>] regarding bootlegs, drilling near loaded holes, blasting records.</p> <p><u>Committee:</u> The <i>Explosives Use Act</i> and its regulations cover these matters. The <i>Mine Health and Safety Act</i> does not apply here.</p>
<p>(2) A worker shall not undertake a blasting activity until the worker</p> <ul style="list-style-type: none"> (a) possesses written authorization to blast signed by the worker’s employer issued under paragraph (1)(d); (b) is the holder of a valid permit under 	<p>(2) A worker shall not undertake a blasting activity until the worker</p> <ul style="list-style-type: none"> (a) possesses written authorization to blast signed by the worker’s employer issued under paragraph (1)(d); (b) is the holder of a valid permit under 	<p><u>Stakeholders:</u> re: (b) chk what is meant by this does that mean the supervisor also has to have an explosive use permit issued under EUA</p> <p><u>Committee:</u> Yes. This is what paragraph (c) states.</p>

the <i>Explosives Use Act</i> ; and (c) is a competent supervisor or is under the supervision of a competent supervisor, who also holds a valid permit under the <i>Explosives Use Act</i> .	the <i>Explosives Use Act</i> ; and (c) is a competent supervisor or is under the supervision of a competent supervisor, who also holds a valid permit under the <i>Explosives Use Act</i> .	
Written Procedures	Written Procedures	
414. (1) An employer shall ensure that appropriate written procedures are provided to a worker who conducts a blasting operation to ensure the safety of the worker and any other person in the vicinity of the blasting operation.	414. (1) An employer shall ensure that appropriate written procedures are provided to a worker who conducts a blasting operation to ensure the safety of the worker and any other person in the vicinity of the blasting operation.	
(2) A worker who undertakes a blasting activity shall follow the procedures provided by the employer pursuant to subsection (1).	(2) A worker who undertakes a blasting activity shall follow the procedures provided by the employer pursuant to subsection (1).	
Equipment	Equipment	
415. An employer shall provide a worker who is to undertake a blasting operation with suitable testing and detonating equipment.	415. An employer shall provide a worker who is to undertake a blasting operation with suitable testing and detonating equipment.	
Storage and Transportation of Explosives	Storage and Transportation of Explosives	
416. (1) An employer shall ensure that all explosives are stored or transported (a) in suitable sealed containers that are conspicuously marked "Danger - Explosives"; and (b) in a manner that prevents the explosives from coming into contact with any flammable substance or other agent that may cause the explosives to detonate.	416. (1) An employer shall ensure that all explosives are stored or transported (a) in suitable sealed containers that are conspicuously marked "Danger - Explosives"; and (b) in a manner that prevents the explosives from coming into contact with any flammable substance or other agent that may cause the explosives to detonate.	<u>Stakeholders</u> : Need to comply with <i>Transportation of Dangerous Goods</i> legislation and also be handled in accordance with Manufacturers guidelines. <u>Committee</u> : Agree.
(2) An employer shall ensure that all explosives are kept in a secure location that is accessible only to authorized workers.	(2) An employer shall ensure that all explosives are kept in a secure location that is accessible only to authorized workers.	
PART 28 DEMOLITION WORK	PART 28 DEMOLITION WORK	
Interpretation	Interpretation	

<p>417. In this Part, "demolition" means the tearing down, destroying, breaking up or razing of a structure, and includes the demolition of any major part of a structure that involves outer walls or principal supporting members.</p>	<p>417. In this Part, "demolition" means the tearing down, destroying, breaking up or razing of a structure, and includes the demolition of any major part of a structure that involves outer walls or principal supporting members.</p>	
<p>Before Demolition Begins</p>	<p>Before Demolition Begins</p>	
<p>418. (1) Before a demolition begins, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) all chemical or biological substances that may be hazardous to workers during demolition are removed from the structure or the part of the structure that is being demolished; (b) all glass is removed from the structure or the part of the structure that is being demolished; and (c) subject to subsection (2), all gas, electrical, telecommunications, sewer and water services connected to the structure or the part of the structure that is being demolished are disconnected. 	<p>418. (1) Before a demolition begins, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) all chemical or biological substances that may be hazardous to workers during demolition are removed from the structure or the part of the structure that is being demolished; (b) all glass is removed from the structure or the part of the structure that is being demolished; and (c) subject to subsection (2), all gas, electrical, telecommunications, sewer and water services connected to the structure or the part of the structure that is being demolished are disconnected. 	
<p>(2) Where power is required for illumination or other purposes, an employer shall provide a suitably located temporary power service.</p>	<p>(2) Where power is required for illumination or other purposes, an employer shall provide a suitably located temporary power service.</p>	
<p>Stability of Adjacent Structures</p>	<p>Stability of Adjacent Structures</p>	
<p>419. Where a demolition of a structure may affect the stability of an adjoining structure, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the demolition is carried out in accordance with procedures certified in writing by a professional engineer to safeguard the stability of the adjoining structure; and (b) a copy of the procedures required by paragraph (a) is kept at the work 	<p>419. Where a demolition of a structure may affect the stability of an adjoining structure, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the demolition is carried out in accordance with procedures certified in writing by a professional engineer to safeguard the stability of the adjoining structure; and (b) a copy of the procedures required by paragraph (a) is kept at the work 	

site during demolition.	site during demolition.	
Duties of Employer	Duties of Employer	
<p>420. In a demolition, an employer</p> <ul style="list-style-type: none"> (a) shall appoint a competent supervisor to be in charge of the demolition at all times that the work is in progress; (b) shall ensure that all workers or equipment are located clear of any falling material; and (c) where a worker is or may be present in a building during its demolition, shall ensure that the demolition is performed floor by floor from the top downward. 	<p>420. During a demolition, an employer</p> <ul style="list-style-type: none"> (a) shall appoint a competent supervisor to be in charge of the demolition at all times that the work is in progress; (b) shall ensure that all workers or equipment are located clear of any falling material; and (c) where a worker is or may be present in a building during its demolition, shall ensure that the demolition is performed floor by floor from the top downward. 	<p><u>Stakeholders:</u> Demolition plan to be submitted to WSCC.</p> <p><u>Committee:</u> This is not necessary.</p> <p><u>Committee:</u> "During" is substituted for "In".</p> <p><u>Stakeholders:</u> re: para (b) or potentially</p> <p><u>Committee:</u> All material could potentially fall in a demolition, but if the demolition is controlled then one knows in advance where that material will fall.</p>
Demolition Procedures	Demolition Procedures	
<p>421. In a demolition, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) dust from the demolition is controlled to the extent that is reasonably practicable; (b) materials and debris are not allowed to accumulate in any area to the extent that the materials and debris cause overloading of a structure that could result in the collapse of all or part of the structure; (c) any opening or hole in a floor, roof or other surface on which workers are required or permitted to walk or stand is guarded or covered as required by section 139; (d) a free-standing scaffold is used in the demolition of a building shaft from the inside; (e) steel structures are dismantled column length by column length and 	<p>421. In a demolition, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) dust from the demolition is controlled to the extent that is reasonably practicable; (b) materials and debris are not allowed to accumulate in any area to the extent that the materials and debris cause overloading of a structure that could result in the collapse of all or part of the structure; (c) any opening or hole in a floor, roof or other surface on which workers are required or permitted to walk or stand is guarded or covered as required by section 139; (d) a free-standing scaffold is used in the demolition of a building shaft from the inside; (e) steel structures are dismantled column length by column length and 	

<p>tier by tier from the top downward; and (f) no wall or other part of the structure being demolished is left in an unstable condition or in danger of accidental collapse except during the actual demolition of that wall or part of the structure.</p>	<p>tier by tier from the top downward; and (f) no wall or other part of the structure being demolished is left in an unstable condition or in danger of accidental collapse except during the actual demolition of that wall or part of the structure.</p>	
<p>Material Chutes</p>	<p>Material Chutes</p>	
<p>422. (1) An employer shall ensure that a material chute steeper than 45° from the horizontal is constructed to enclose the material placed in the chute.</p>	<p>422. (1) An employer shall ensure that a material chute steeper than 45° from the horizontal is constructed to enclose the material placed in the chute.</p>	
<p>(2) Where a material chute presents a danger to workers, an employer shall ensure that a guardrail is installed around the top of the chute to prevent workers from falling into the chute.</p>	<p>(2) Where a material chute presents a danger to workers, an employer shall ensure that a guardrail is installed around the top of the chute to prevent workers from falling into the chute.</p>	
<p>Structural Members</p>	<p>Structural Members</p>	
<p>423. (1) An employer shall ensure that structural members that are being removed are not under any stress other than the member’s own weight and are secured or supported to prevent any unexpected movement.</p>	<p>423. (1) An employer shall ensure that structural members that are being removed are not under any stress other than the member’s own weight and are secured or supported to prevent any unexpected movement.</p>	
<p>(2) Where a structural member is being hoisted by a crane or other similar lifting device from a structure being demolished or from the demolition rubble, an employer shall ensure that the hoisting line is in a vertical position and is over the centre of gravity of the load in a manner that will reduce the danger to workers from a swinging or uncontrolled load.</p>	<p>(2) Where a structural member is being hoisted by a crane or other similar lifting device from a structure being demolished or from the demolition rubble, an employer shall ensure that the hoisting line is in a vertical position and is over the centre of gravity of the load in a manner that will reduce the danger to workers from a swinging or uncontrolled load.</p>	
<p>Use of Powered Mobile Equipment</p>	<p>Use of Powered Mobile Equipment</p>	
<p>424. (1) Before powered mobile equipment is placed on a floor, roof or other surface on which workers are required or permitted to walk or</p>	<p>424. (1) Before powered mobile equipment is placed on a floor, roof or other surface on which workers are required or permitted to walk or</p>	

stand for the purpose of demolishing a structure, an employer shall ensure that the floor, roof or other surface is capable of supporting the load that may be placed on the floor, roof or other surface.	stand for the purpose of demolishing a structure, an employer shall ensure that the floor, roof or other surface is capable of supporting the load that may be placed on the floor, roof or other surface.	
(2) Where powered mobile equipment is used for the purpose of demolishing a structure, an employer shall ensure that safe work procedures are developed and implemented.	(2) Where powered mobile equipment is used for the purpose of demolishing a structure, an employer shall ensure that safe work procedures are developed and implemented.	
Use of Explosives	Use of Explosives	
425. Where a structure is to be demolished by explosives, an employer shall (a) ensure that a competent person develops a demolition procedure to protect the health and safety of workers; (b) submit a copy of the demolition procedure to the Chief Safety Officer not less than 30 days before the proposed date of the demolition; and (c) ensure that the worker who undertakes the blasting activity has the training, competence and knowledge described in paragraphs 413 (1)(a) to (c).	425. Where a structure is to be demolished by explosives, an employer shall (a) ensure that a competent person develops a demolition procedure to protect the health and safety of workers; (b) submit a copy of the demolition procedure to the Chief Safety Officer not less than 30 days before the proposed date of the demolition; and (c) ensure that the worker who undertakes the blasting activity meets all the requirements of section 413.	<u>Stakeholders</u> : should not be limited to (1) [competent person] also need (2) to ensure he has an explosives handling permit <u>Committee</u> : Agrees and modifies reference in paragraph (c) accordingly. Subsection 413(2) still applies.
PART 29 FORESTRY AND MILL OPERATIONS	PART 29 FORESTRY AND MILL OPERATIONS	
Interpretation	Interpretation	
426. In this Part, "bucking" means sawing a log or felled tree into smaller lengths; "chicot" means a dead or damaged tree or a dead or damaged limb of a tree;	426. In this Part, "bucking" means sawing a log or felled tree into smaller lengths; "chicot" means a dead or damaged tree or a dead or damaged limb of a tree;	

<p>"cutting" includes felling, limbing and bucking;</p> <p>"felling" means cutting a tree from the tree's stump and bringing the tree to the ground;</p> <p>"forestry operation" means the cutting or harvesting of trees, and includes the transporting of logs and the preparing of sites for tree planting and seeding;</p> <p>"limbing" means removing limbs from a tree that has been felled;</p> <p>"lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from the tree's stump or displaced from the tree's natural position;</p> <p>"mill operation" means the operation of a pulp mill, paper mill, sawmill, plywood mill, wafer-board mill or strand-board mill, and includes the operation of equipment that is designed to manufacture or process wood products;</p> <p>"skidder operator" means a worker who operates a skidder or who operates any other powered mobile equipment to perform the work of a skidder;</p> <p>"skidding" means moving logs or trees by pulling the logs or trees across the terrain;</p> <p>"snag" means any material or object that may interfere with the safe movement of a tree or log or that may endanger a worker;</p> <p>"stake" means a wooden or metal post or a post made of other material of equivalent strength</p>	<p>"cutting" includes felling, limbing and bucking;</p> <p>"felling" means cutting a tree from the tree's stump and bringing the tree to the ground;</p> <p>"forestry operation" means the cutting or harvesting of trees, and includes the transporting of logs and the preparing of sites for tree planting and seeding;</p> <p>"limbing" means removing limbs from a tree that has been felled;</p> <p>"lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from the tree's stump or displaced from the tree's natural position;</p> <p>"mill operation" means the operation of a pulp mill, paper mill, sawmill, plywood mill, wafer-board mill or strand-board mill, and includes the operation of equipment that is designed to manufacture or process wood products;</p> <p>"skidder operator" means a worker who operates a skidder or who operates any other powered mobile equipment to perform the work of a skidder;</p> <p>"skidding" means moving logs or trees by pulling the logs or trees across the terrain;</p> <p>"snag" means any material or object that may interfere with the safe movement of a tree or log or that may endanger a worker;</p> <p>"stake" means a wooden or metal post or a post made of other material of equivalent strength</p>	
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<p>that is used to support and prevent the lateral movement of logs;</p> <p>"windfall" means a tree blown down by wind;</p> <p>"wood products" includes pulp, pulpwood, paper, veneer, plywood, lumber, timber, poles, posts, chips, wafers, sawdust and other products resulting from a forestry operation.</p>	<p>that is used to support and prevent the lateral movement of logs;</p> <p>"windfall" means a tree blown down by wind;</p> <p>"wood products" includes pulp, pulpwood, paper, veneer, plywood, lumber, timber, poles, posts, chips, wafers, sawdust and other products resulting from a forestry operation.</p>	
<p>Application of Part</p>	<p>Application of Part</p>	
<p>427.This Part applies to all forestry operations and mill operations.</p>	<p>427.This Part applies to all forestry operations and mill operations.</p>	<p><u>Committee:</u> In the general comments (Part 2 of this volume) a number of stakeholders thought that this Part should not apply to NU as it has no forests. This comment is being considered by the GN.</p>
<p>First Aid Attendant</p>	<p>First Aid Attendant</p>	
<p>428.Notwithstanding section 65, where a worker is cutting or skidding, an employer shall ensure that a first aid attendant who holds at least a Level 2 qualification as set out in Schedule E, is readily available at all times.</p>	<p>428.Notwithstanding section 65, where a worker is cutting or skidding, an employer shall ensure that a first aid attendant who holds at least a Level 2 qualification as set out in Schedule E, is readily available at all times.</p>	<p><u>Stakeholders:</u> need an advanced 80 hr first aid attendant</p> <p><u>Committee:</u> 60-80 hours is the course duration for a Level 2 qualification at Schedule E. The concern has probably been addressed with the clearing up of the two first aid qualifications.</p>
<p>Cutting and Skidding - General Requirements</p>	<p>Cutting and Skidding - General Requirements</p>	
<p>429. (1) During cutting and skidding operations, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) workers who do not have duties associated with cutting and skidding are not permitted to enter the area where those operations are carried out while they are being carried out; (b) a worker fells all timber that is adjacent to a proposed landing or other place where workers will work and that may create a hazard to workers before the landing or other place is used; 	<p>429. (1) During cutting and skidding operations, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) workers who do not have duties associated with cutting and skidding are not permitted to enter the area where those operations are carried out while they are being carried out; (b) a worker fells all timber that is adjacent to a proposed landing or other place where workers will work and that may create a hazard to workers before the landing or other place is used; 	

<p>(c) no worker fells a tree within range of a travelled road unless effective means are taken to stop traffic until the tree has been felled and the tree and all debris that creates a risk to the health or safety of a worker have been removed from the road; and</p> <p>(d) a worker closely limbs trees</p> <p>(i) before the trees are placed on a rollway, or</p> <p>(ii) where the limbs may create a risk to the health or safety of a worker.</p>	<p>(c) no worker fells a tree within range of a travelled road unless effective means are taken to stop traffic until the tree has been felled and the tree and all debris that creates a risk to the health or safety of a worker have been removed from the road; and</p> <p>(d) a worker closely limbs trees</p> <p>(i) before the trees are placed on a rollway, or</p> <p>(ii) where the limbs may create a risk to the health or safety of a worker.</p>	
<p>(2) An employer shall ensure that:</p> <p>(a) no person enters a felling area unless the worker engaged in felling has advised the person entering the area that it is safe to enter;</p> <p>(b) workers are instructed in, and comply with, the duties set out in subsection (3), subsection 164(4), sections 430 and 431, subsections 432(3), 434(3) and 435(2), section 437 and subsection 438(11);</p> <p>(c) every worker engaged in conventional logging has, within six months after commencing employment, successfully completed an approved course in conventional logging safety; and</p> <p>(d) a worker who has completed an approved course as required by paragraph (c) maintains any designation or certification that is earned through completing that course.</p>	<p>(2) An employer shall ensure that:</p> <p>(a) no person enters a felling area unless the worker engaged in felling has advised the person entering the area that it is safe to enter;</p> <p>(b) workers are instructed in, and comply with, the duties set out in subsection (3), subsection 164(4), sections 430 and 431, subsections 432(3), 434(3) and 435(2), section 437 and subsection 438(11);</p> <p>(c) every worker engaged in conventional logging has, within six months after commencing employment, successfully completed an approved course in conventional logging safety; and</p> <p>(d) a worker who has completed an approved course as required by paragraph (c) maintains any designation or certification that is earned through completing that course.</p>	<p><u>Stakeholders:</u> Suggests addition of "has as soon as practicable" in 429(2)(c) in place of "within six months".</p> <p><u>Committee:</u> This modification is probably not needed. The stipulation is that the worker is engaged in "conventional logging". That term appears to be an industry-wide term (see: Ontario Forestry Safe Workplace Association, http://www.ofswa.on.ca/downloads/swo_re_source_packages/SWO_conventional_log_re_source.pdf, for example). The modification would allow workers to engage in conventional logging without ever successfully completing an approved course in conventional logging safety. The six months accommodation is sufficient.</p>
<p>(3) A worker shall not work on a hillside</p>	<p>(3) A worker shall not work on a hillside</p>	

<p>below a cutting or skidding operation where a danger may exist from a tree or log rolling or moving downhill towards the worker.</p>	<p>below a cutting or skidding operation where a danger may exist from a tree or log rolling or moving downhill towards the worker.</p>	
<p>Cutting</p>	<p>Cutting</p>	
<p>430. During cutting operations, a worker shall</p> <ul style="list-style-type: none"> (a) remove any <i>chicot</i> or any other hazard to the worker or any other worker in the vicinity before any other tree is felled; (b) remain at a safe distance from, and not fell a tree onto, any tree that is lodged or may be dangerous for any other reason; and (c) move quickly to a predetermined safe position when a tree starts to fall. 	<p>430. During cutting operations, a worker shall</p> <ul style="list-style-type: none"> (a) remove any <i>chicot</i> or any other hazard to the worker or any other worker in the vicinity before any other tree is felled; (b) remain at a safe distance from, and not fell a tree onto, any tree that is lodged or may be dangerous for any other reason; and (c) move quickly to a predetermined safe position when a tree starts to fall. 	
<p>Felling</p>	<p>Felling</p>	
<p>431. (1) Before starting to fell a tree, a worker shall</p> <ul style="list-style-type: none"> (a) clear away adjacent brush to provide sufficient room to work and to provide a path at a 45° angle from the direction opposite to the planned direction of fall to a safe position; and (b) ensure that no other worker is located closer than 60 m to the tree being felled. 	<p>431. (1) Before starting to fell a tree, a worker shall</p> <ul style="list-style-type: none"> (a) clear away adjacent brush to provide sufficient room to work and to provide a path at a 45° angle from the direction opposite to the planned direction of fall to a safe position; and (b) ensure that no other worker is located closer than 60 m to the tree being felled. 	<p>Stakeholders: Proposed insertion of the following before subsection (1):</p> <p>(1) A worker must not fall trees or be permitted to fall trees, or conduct or be permitted to conduct bucking activities associated with falling trees, unless the worker is qualified to do so to a standard acceptable to the Board.</p> <p>Committee: bucking and limbing are dealt with in s. 435. Being qualified is not the same thing as being competent - remember "competent" is a defined term and a worker has to be competent at the task assigned. Fellers or loggers are not a trade under the <i>Trade Designation Order</i>, so there is no inconsistency with the <i>Apprenticeship, Trade and Occupation Act</i>.</p> <p>Stakeholders: Proposed addition of the following after 60 m: "or 2 tree lengths, which ever is</p>

		greater," {same comment for s. 436(3)(c)} <u>Committee:</u> The 60 m distance is a collapse zone for a tree with a height as much as 40 m.
(2) Before a felling cut is begun on a tree with a trunk that has a diameter of 15 cm or more, a worker shall (a) undercut the trunk to control the direction of the fall; and (b) ensure that (i) the depth of the undercut is at least one third of the diameter of the tree trunk at that point, and (ii) both cuts that form the undercut meet at that depth.	(2) Before a felling cut is begun on a tree with a trunk that has a diameter of 15 cm or more, a worker shall (a) undercut the trunk to control the direction of the fall; and (b) ensure that (i) the depth of the undercut is at least one third of the diameter of the tree trunk at that point, and (ii) both cuts that form the undercut meet at that depth.	
(3) After making an undercut, a worker shall (a) remove the wood from the undercut before the back cut is started and leave sufficient holding wood in the back cut side to control the direction of the fall of the tree; and (b) ensure that the back cut is above the undercut at a distance that does not exceed 100 mm from the undercut.	(3) After making an undercut, a worker shall (a) remove the wood from the undercut before the back cut is started and leave sufficient holding wood in the back cut side to control the direction of the fall of the tree; and (b) ensure that the back cut is above the undercut at a distance that does not exceed 100 mm from the undercut.	<u>Stakeholders:</u> suggest modifying para (b) to "ensure that the back cut is 3/4 1 inch 19-25 mm above the undercut." <u>Committee:</u> This is consistent with Saskatchewan.
(4) Where a worker cannot safely complete the felling of a tree or a tree that a worker is felling has become unsafe, the worker shall (a) remain in the area in a safe location; and (b) do no further work until a skidder operator fells the tree.	(4) Where a worker cannot safely complete the felling of a tree or a tree that a worker is felling has become unsafe, the worker shall (a) remain in the area in a safe location; and (b) do no further work until a skidder operator fells the tree.	<u>Stakeholders:</u> seems to be missing something how can a skidder operator fell the tree if the worker cannot fell it see s. 432(2) <u>Committee:</u> Note s. 431(4) covers all trees but s. 432 covers partially cut trees. Subsection 432(2) deals with a tree that cannot be felled completely or that sits back on its stump. These are very specific situations but section 431 is much more the general case.
Partially Cut Trees	Partially Cut Trees	

<p>432. (1) Subject to subsection (2), where a tree is partially cut, an employer shall ensure that the worker immediately completes the felling of the tree.</p>	<p>432. (1) Subject to subsection (2), where a tree is partially cut, an employer shall ensure that the worker immediately completes the felling of the tree.</p>	
<p>(2) If a partially cut tree cannot be completely felled or sits back on the stump, an employer shall ensure that the worker remains in the area in a safe location and does no further work until a skidder operator assists the worker to fell the tree safely.</p>	<p>(2) If a partially cut tree cannot be completely felled or sits back on the stump, an employer shall ensure that the worker remains in the area in a safe location and does no further work until a skidder operator assists the worker to fell the tree safely.</p>	
<p>(3) A worker shall not fell a tree or undertake any other activity until every partially cut tree in the vicinity and every tree in the vicinity that sits back on its stump has been felled.</p>	<p>(3) A worker shall not fell a tree or undertake any other activity until every partially cut tree in the vicinity and every tree in the vicinity that sits back on its stump has been felled.</p>	
<p style="text-align: center;">Lodged Trees</p>	<p style="text-align: center;">Lodged Trees</p>	
<p>433. (1) Where there is a lodged tree, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the tree is felled immediately by a skidder operator; (b) the tree is not climbed by a worker; (c) a worker does not lower the tree by felling another tree onto the lodged tree; and (d) a worker does not remove the lodged tree by cutting the supporting tree. 	<p>433. (1) Where there is a lodged tree, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the tree is felled immediately by a skidder operator; (b) the tree is not climbed by a worker; (c) a worker does not lower the tree by felling another tree onto the lodged tree; and (d) a worker does not remove the lodged tree by cutting the supporting tree. 	
<p>(2) An employer shall ensure that no worker, other than the worker who is felling a lodged tree, enters the felling area until it is safe to do so.</p>	<p>(2) An employer shall ensure that no worker, other than the worker who is felling a lodged tree, enters the felling area until it is safe to do so.</p>	
<p style="text-align: center;">Mechanized Fellers and Limbers</p>	<p style="text-align: center;">Mechanized Fellers and Limbers</p>	
<p>434. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a mechanized feller or limber is provided with <ul style="list-style-type: none"> (i) adequate protection for the operator, including protection 	<p>434. (1) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) a mechanized feller or limber is provided with <ul style="list-style-type: none"> (i) adequate protection for the operator, including protection 	<p><u>Stakeholders</u>: suggest "at least" before "exit" in subpara (ii).</p> <p><u>Committee</u>: Agrees.</p>

<p>against any falling tree or part of a tree, and</p> <ul style="list-style-type: none"> (ii) a cab for the operator with two exits through which the operator can readily escape; and (b) a mechanized feller is designed and equipped to direct the fall of the tree away from the mechanized feller. 	<p>against any falling tree or part of a tree, and</p> <ul style="list-style-type: none"> (ii) a cab for the operator with at least two exits through which the operator can readily escape; and (b) a mechanized feller is designed and equipped to direct the fall of the tree away from the mechanized feller. 	
<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) no worker operates a mechanized feller or limber in a location where the stability of the machine cannot be assured; and (b) no worker operates a mechanized feller within 60 m of a worker who may be endangered by a falling tree or part of a tree. 	<p>(2) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) no worker operates a mechanized feller or limber in a location where the stability of the machine cannot be assured; and (b) no worker operates a mechanized feller within 60 m of a worker who may be endangered by a falling tree or part of a tree. 	
<p>(3) A worker shall not</p> <ul style="list-style-type: none"> (a) operate a mechanized feller or limber in a location where the stability of the machine cannot be assured; or (b) operate a mechanized feller within 60 m of a worker who may be endangered by a falling tree or part of a tree. 	<p>(3) A worker shall not</p> <ul style="list-style-type: none"> (a) operate a mechanized feller or limber in a location where the stability of the machine cannot be assured; or (b) operate a mechanized feller within 60 m of a worker who may be endangered by a falling tree or part of a tree. 	
<p>Bucking and Limbing</p>	<p>Bucking and Limbing</p>	
<p>435. (1) Where a worker is bucking or limbing, an employer shall ensure that the worker</p> <ul style="list-style-type: none"> (a) clears away any brush or object that may create a hazard to the worker; (b) does not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the 	<p>435. (1) Where a worker is bucking or limbing, an employer shall ensure that the worker</p> <ul style="list-style-type: none"> (a) clears away any brush or object that may create a hazard to the worker; (b) does not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the 	

<p>side of the tree or log on which the worker is located;</p> <ul style="list-style-type: none"> (c) remains at least 60 m from any tree being felled; (d) remains in a location safe from any tree or log being skidded or otherwise moved; and (e) works only on the uphill side of any log that is lying on an incline. 	<p>side of the tree or log on which the worker is located;</p> <ul style="list-style-type: none"> (c) remains at least 60 m from any tree being felled; (d) remains in a location safe from any tree or log being skidded or otherwise moved; and (e) works only on the uphill side of any log that is lying on an incline. 	
<ul style="list-style-type: none"> (2) While bucking or limbing, a worker <ul style="list-style-type: none"> (a) shall clear away any brush or object that may create a hazard to the worker; (b) shall not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the side of the tree or log on which the worker is located; (c) shall remain at least 60 m from any tree being felled; (d) shall remain in a location safe from any tree or log being skidded or otherwise moved; and (e) shall work only on the uphill side of any log that is lying on an incline. 	<ul style="list-style-type: none"> (2) While bucking or limbing, a worker <ul style="list-style-type: none"> (a) shall clear away any brush or object that may create a hazard to the worker; (b) shall not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the side of the tree or log on which the worker is located; (c) shall remain at least 60 m from any tree being felled; (d) shall remain in a location safe from any tree or log being skidded or otherwise moved; and (e) shall work only on the uphill side of any log that is lying on an incline. 	
<p>Employer’s Responsibilities During Skidding</p>	<p>Employer’s Responsibilities During Skidding</p>	
<p>436. (1) During skidding operations, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) every snag, <i>chicot</i>, lodged tree or windfall that may be hazardous and that is located along or adjacent to a skid trail, haul road or landing is removed; and (b) a skidder operator pulls down any tree that is lodged or is dangerous for any other reason immediately 	<p>436. (1) During skidding operations, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) every snag, <i>chicot</i>, lodged tree or windfall that may be hazardous and that is located along or adjacent to a skid trail, haul road or landing is removed; and (b) a skidder operator pulls down any tree that is lodged or is dangerous for any other reason immediately 	

<p>when the lodged or dangerous tree is reported to the skidder operator.</p>	<p>when the lodged or dangerous tree is reported to the skidder operator.</p>	
<p>(2) An employer shall ensure that a winching machine is equipped with suitable safeguards to protect the operator from flying objects.</p>	<p>(2) An employer shall ensure that a winching machine is equipped with suitable safeguards to protect the operator from flying objects.</p>	
<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) no worker other than a skidder operator is required or permitted to ride on any skidder except where the skidder is provided with a second seat that is adequately protected; (b) a skidder operator is required to discontinue operating when the operation of the skidder may endanger another worker until it is possible for the operation to proceed without danger to the other worker; (c) a skidder operator does not operate a skidder within 60 m of a worker who is felling a tree until the worker has signalled that it is safe to operate the skidder; and (d) a skidder operator does not operate a skidder near the edge of a bank, fill, excavation, incline or any other place where the skidder cannot safely be controlled. 	<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) no worker other than a skidder operator is required or permitted to ride on any skidder except where the skidder is provided with a second seat that is adequately protected; (b) a skidder operator is required to discontinue operating when the operation of the skidder may endanger another worker until it is possible for the operation to proceed without danger to the other worker; (c) a skidder operator does not operate a skidder within 60 m of a worker who is felling a tree until the worker has signalled that it is safe to operate the skidder; and (d) a skidder operator does not operate a skidder near the edge of a bank, fill, excavation, incline or any other place where the skidder cannot safely be controlled. 	<p><u>Stakeholders:</u> Suggest adding paragraphs (e)-(h):</p> <ul style="list-style-type: none"> (e) a skidder operator is not winching at an angle that could cause an obstruction to upset the equipment; (f) a skidder operator is avoiding abrupt turns of equipment on side hills.; (g) If the manufacturer's maximum slope operating stability limit for logging equipment is known, the equipment must be operated within that limit. Any slope greater than 35% shall not be travelled without specific safe work procedures in place. The procedures must be reviewed before operating on steep slopes. (h) a skidder operators travel is confined to straight up and down slopes when steepness is a problem. <p><u>Committee:</u> There may be too much detail in these additional paragraphs. Suggested para (e) concerns winching safety (dealt with in s. 240). Parts 23 and 24 may address some of these concerns. Paragraph (d) is much less limiting than suggested paragraph (g). Paragraph (d) is not dependent on the manufacturer and does not impose a quantum for the slope grade but rather the criterion that the skidder be safely controlled. This seems preferable as there could be conditions that make a slope less than 35%</p>

		unsafe (e.g. ice or unstable soil). Paragraph (g) may off-load employer responsibility onto the manufacturer. The employer is ultimately in control of a work site, not the manufacturer. Paragraph (h) is a bit vague in that it is not clear when a slope is a "problem". Paragraph (d) covers the situations of concern.
(4) An employer shall ensure that the skidder operator applies the brakes and, where the terrain is uneven, lowers the blade to the ground when the skidder operator temporarily gets off the skidder.	(4) An employer shall ensure that the skidder operator applies the brakes and, where the terrain is uneven, lowers the blade to the ground when the skidder operator temporarily gets off the skidder.	
(5) When a skidder operator parks a skidder, an employer shall ensure that the skidder operator parks the skidder on even ground and lowers the blade to the ground.	(5) When a skidder operator parks a skidder, an employer shall ensure that the skidder operator parks the skidder on even ground and lowers the blade to the ground.	
Skidder Operators' Responsibilities	Skidder Operators' Responsibilities	
437. (1) A skidder operator shall (a) remove every snag, <i>chicot</i> , lodged tree or windfall that may be hazardous or that is located along or adjacent to any skid trail, haul road or landing; and (b) where advised that a tree is lodged or otherwise dangerous, immediately remove the tree.	437. (1) A skidder operator shall (a) remove every snag, <i>chicot</i> , lodged tree or windfall that may be hazardous or that is located along or adjacent to any skid trail, haul road or landing; and (b) where advised that a tree is lodged or otherwise dangerous, immediately remove the tree.	
(2) A skidder operator shall not operate the winch at an angle that may cause the skidder to overturn.	(2) A skidder operator shall not operate the winch at an angle that may cause the skidder to overturn.	
(3) A skidder operator shall (a) keep any loose winch cable wound up on the winch drum and any choker clear of the ground during travel; (b) ensure that no worker is located under or near the winch cable or choker cables or in a position to be	(3) A skidder operator shall (a) keep any loose winch cable wound up on the winch drum and any choker clear of the ground during travel; (b) ensure that no worker is located under or near the winch cable or choker cables or in a position to be	

<p>struck by a winch cable or choker cable if the cable breaks or comes loose; and</p> <p>(c) attach any choker cable applied to a log no farther from the end of the log than 1 m.</p>	<p>struck by a winch cable or choker cable if the cable breaks or comes loose; and</p> <p>(c) attach any choker cable applied to a log no farther from the end of the log than 1 m.</p>	
<p>(4) Before moving a log, a skidder operator shall ensure that no other worker may be endangered by moving the log.</p>	<p>(4) Before moving a log, a skidder operator shall ensure that no other worker may be endangered by moving the log.</p>	
<p>(5) A skidder operator</p> <p>(a) shall not operate the skidder winch except from the seat provided unless a remote control device is provided and used from a safe winching position; and</p> <p>(b) shall operate the skidder at a speed and in a manner that will prevent the skidder overturning.</p>	<p>(5) A skidder operator</p> <p>(a) shall not operate the skidder winch except from the seat provided unless a remote control device is provided and used from a safe winching position; and</p> <p>(b) shall operate the skidder at a speed and in a manner that will prevent the skidder overturning.</p>	
<p>(6) When skidding logs to a landing, a skidder operator shall winch the drag up tight to the rear of the skidder to prevent uncontrolled movement of the logs.</p>	<p>(6) When skidding logs to a landing, a skidder operator shall winch the drag up tight to the rear of the skidder to prevent uncontrolled movement of the logs.</p>	
<p>(7) Where a worker is attaching a choker to a log on sloping ground, a skidder operator shall lower the blade of the skidder to the ground.</p>	<p>(7) Where a worker is attaching a choker to a log on sloping ground, a skidder operator shall lower the blade of the skidder to the ground.</p>	
<p>(8) When temporarily getting off a skidder, a skidder operator shall apply the brakes and, where the terrain is uneven, lower the blade to the ground.</p>	<p>(8) When temporarily getting off a skidder, a skidder operator shall apply the brakes and, where the terrain is uneven, lower the blade to the ground.</p>	
<p>(9) When parking a skidder, a skidder operator shall park the skidder on even ground and lower the blade to the ground.</p>	<p>(9) When parking a skidder, a skidder operator shall park the skidder on even ground and lower the blade to the ground.</p>	
<p>Loading, Unloading and Hauling Logs</p>	<p>Loading, Unloading and Hauling Logs</p>	
<p>438. (1) Where a worker is loading or unloading logs, an employer shall ensure that the loading and unloading areas are suitably graded and</p>	<p>438. (1) Where a worker is loading or unloading logs, an employer shall ensure that the loading and unloading areas are suitably graded and</p>	

maintained appropriately for the equipment that is being used.	maintained appropriately for the equipment that is being used.	
(2) Where a worker is loading or unloading logs with a crane or other type of mechanical loader, an employer shall ensure that no worker is required or permitted to stand or work under the path of the bucket, grapple or load.	(2) Where a worker is loading or unloading logs with a crane or other type of mechanical loader, an employer shall ensure that no worker is required or permitted to stand or work under the path of the bucket, grapple or load.	
(3) Where a worker is or may be at risk from logs suspended over or near the cab of a vehicle, an employer shall ensure that the worker is not required or permitted to remain in the cab.	(3) Where a worker is or may be at risk from logs suspended over or near the cab of a vehicle, an employer shall ensure that the worker is not required or permitted to remain in the cab.	
(4) An employer shall ensure that a worker who is not actively engaged in a loading or unloading operation (a) remains at a safe distance from the operation in clear view of the operator; or (b) if the hazard referred to in subsection (3) does not exist, remains in the cab of the vehicle.	(4) An employer shall ensure that a worker who is not actively engaged in a loading or unloading operation (a) remains at a safe distance from the operation in clear view of the operator; or (b) if the hazard referred to in subsection (3) does not exist, remains in the cab of the vehicle.	
(5) Where a worker is operating a loader equipped with a clam, an employer shall ensure that the jaws of the clam secure the entire load.	(5) Where a worker is operating a loader equipped with a clam, an employer shall ensure that the jaws of the clam secure the entire load.	
(6) Where a loader is equipped with a fork, an employer shall ensure that rear stoppers are provided that are designed and sufficiently strong to prevent any log from falling back on the operator.	(6) Where a loader is equipped with a fork, an employer shall ensure that rear stoppers are provided that are designed and sufficiently strong to prevent any log from falling back on the operator.	
(7) An employer shall ensure that (a) a log yard is constructed, arranged, maintained and operated so that a worker may work without exposure to danger from any moving log or equipment; and (b) a worker does not build a log pile to a height greater than a height that can be safely handled by the	(7) An employer shall ensure that (a) a log yard is constructed, arranged, maintained and operated so that a worker may work without exposure to danger from any moving log or equipment; and (b) a worker does not build a log pile to a height greater than a height that can be safely handled by the	

equipment used in the stacking and breaking down of the log deck.	equipment used in the stacking and breaking down of the log deck.	
(8) An employer shall ensure that no worker is required or permitted to work on, under or beside the haul unit during loading or unloading.	(8) An employer shall ensure that no worker is required or permitted to work on, under or beside the haul unit during loading or unloading.	
(9) Where an operator does not have a clear view of the entire loading or unloading operation, an employer shall ensure that a signaller with a clear view of the operation and visible to the operator is designated pursuant to section 147 to give all signals necessary to ensure the safety of a worker involved in the loading or unloading operation.	(9) Where an operator does not have a clear view of the entire loading or unloading operation, an employer shall ensure that a signaller with a clear view of the operation and visible to the operator is designated pursuant to section 147 to give all signals necessary to ensure the safety of a worker involved in the loading or unloading operation.	
(10) An employer shall ensure that a worker (a) restrains the top log on the outside edge of a vehicle by at least two stakes; and (b) secures the log load on a vehicle (i) to the vehicle body with tie-downs of sufficient size and strength to restrain the logs, (ii) between each set of stakes, and (iii) by at least two tie-downs at the rear of the load.	(10) An employer shall ensure that a worker (a) restrains the top log on the outside edge of a vehicle by at least two stakes; and (b) secures the log load on a vehicle (i) to the vehicle body with tie-downs of sufficient size and strength to restrain the logs, (ii) between each set of stakes, and (iii) by at least two tie-downs at the rear of the load.	
(11) A worker who is engaged in loading or unloading logs shall (a) before shutting down and leaving the loader, lower the clam or forks, put the loader in neutral and apply the brakes; (b) while manually loading, unloading, decking or breaking piles, work only at the end of the logs; and (c) while loading or unloading logs, work in a safe position in clear view of the operator or signaller.	(11) A worker who is engaged in loading or unloading logs shall (a) before shutting down and leaving the loader, lower the clam or forks, put the loader in neutral and apply the brakes; (b) while manually loading, unloading, decking or breaking piles, work only at the end of the logs; and (c) while loading or unloading logs, work in a safe position in clear view of the operator or signaller.	<u>Stakeholders</u> : can only apply to park brake not the service brakes <u>Committee</u> : Agreed.
Vehicles Used to Haul Logs	Vehicles Used to Haul Logs	

<p>439. An owner of a vehicle used to haul logs shall ensure that</p> <ul style="list-style-type: none"> (a) the vehicle is equipped with a bulkhead installed between the cab and the load that is of sufficient size and strength to resist any impact caused by a shifting load; (b) stakes used to restrain logs on the vehicle are designed, constructed and installed to safely support any load placed against the stakes; and (c) stake extensions are of a strength equivalent to the strength of the stake and positively secured to the stake to prevent inadvertent detachment. 	<p>439. An owner of a vehicle used to haul logs shall ensure that</p> <ul style="list-style-type: none"> (a) the vehicle is equipped with a bulkhead installed between the cab and the load that is of sufficient size and strength to resist any impact caused by a shifting load; (b) stakes used to restrain logs on the vehicle are designed, constructed and installed to safely support any load placed against the stakes; and (c) stake extensions are of a strength equivalent to the strength of the stake and positively secured to the stake to prevent inadvertent detachment. 	
<p>Log Carriages</p>	<p>Log Carriages</p>	
<p>440. (1) Where sawmill log carriages are used, an employer shall ensure that no worker is required or permitted to ride on a log carriage.</p>	<p>440. (1) Where sawmill log carriages are used, an employer shall ensure that no worker is required or permitted to ride on a log carriage.</p>	
<p>(2) Where the area immediately behind a log carriage is used as a walkway, an employer shall ensure that a guardrail is installed between the walkway and the carriage for the full extent of the carriage travel.</p>	<p>(2) Where the area immediately behind a log carriage is used as a walkway, an employer shall ensure that a guardrail is installed between the walkway and the carriage for the full extent of the carriage travel.</p>	
<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) suitable devices are installed to stop a log carriage at the end of the carriage’s travel in each direction; (b) a log carriage is equipped with a suitable headblock that is equipped with suitable dogs that are used to secure the log during the sawing operation; (c) a log carriage is provided with a safety device that will ensure that the headblock cannot be moved to a 	<p>(3) An employer shall ensure that</p> <ul style="list-style-type: none"> (a) suitable devices are installed to stop a log carriage at the end of the carriage’s travel in each direction; (b) a log carriage is equipped with a suitable headblock that is equipped with suitable dogs that are used to secure the log during the sawing operation; (c) a log carriage is provided with a safety device that will ensure that the headblock cannot be moved to a 	

<p>position within 30 mm of the saw blade;</p> <p>(d) sweepers are provided in front and at the back of a log carriage to remove all obstructions from the track;</p> <p>(e) a power-driven log carriage is propelled by a wire rope that is</p> <p>(i) of sufficient strength to propel the log carriage safely, and</p> <p>(ii) maintained in safe operating condition;</p> <p>(f) the sawyer's lever operating the carriage drive mechanism is designed and installed so that the movement of the lever is in the opposite direction to the carriage travel, except when the sawyer's position and controls are enclosed or isolated from the hazards of the carriage; and</p> <p>(g) means are provided to securely lock the sawyer's log turning and carriage control levers.</p>	<p>position within 30 mm of the saw blade;</p> <p>(d) sweepers are provided in front and at the back of a log carriage to remove all obstructions from the track;</p> <p>(e) a power-driven log carriage is propelled by a wire rope that is</p> <p>(i) of sufficient strength to propel the log carriage safely, and</p> <p>(ii) maintained in safe operating condition;</p> <p>(f) the sawyer's lever operating the carriage drive mechanism is designed and installed so that the movement of the lever is in the opposite direction to the carriage travel, except when the sawyer's position and controls are enclosed or isolated from the hazards of the carriage; and</p> <p>(g) means are provided to securely lock the sawyer's log turning and carriage control levers.</p>	
<p>(4) An employer shall ensure that the sawyer engages the carriage control lever lock before leaving the sawyer's position.</p>	<p>(4) An employer shall ensure that the sawyer engages the carriage control lever lock before leaving the sawyer's position.</p>	
<p>Sawmill Head Rigs</p>	<p>Sawmill Head Rigs</p>	
<p>441. (1) In this section, "husk" means a head saw framework on a circular mill.</p>	<p>441. (1) In this section, "husk" means a head saw framework on a circular mill.</p>	
<p>(2) Where a sawmill head rig is operated, an employer shall ensure that</p> <p>(a) a circular blade sawmill is equipped with suitable saw guides that can only be adjusted from outside the husk;</p> <p>(b) husks are completely enclosed and</p>	<p>(2) Where a sawmill head rig is operated, an employer shall ensure that</p> <p>(a) a circular blade sawmill is equipped with suitable saw guides that can only be adjusted from outside the husk;</p> <p>(b) husks are completely enclosed and</p>	

<p>are provided with a substantial, securely hinged cover;</p> <p>(c) a solid splitter is provided that</p> <p>(i) has a leading edge that is adjacent to and conforms to the curvature of the saw blade, and</p> <p>(ii) extends above the carriage deck a distance of not less than one-quarter of the diameter of the saw blade in use;</p> <p>(d) a substantial safeguard is provided over the lower portion of the head saw blade under the carriage tracks and extends at least 15 cm below the bottom of the largest size saw blade in use;</p> <p>(e) a substantial heavy-mesh screen or other suitable material is securely placed between the saw blade and the sawyer's position to protect the sawyer from any throw-backs from the saw;</p> <p>(f) mesh screens required by paragraph (e) are backed by a small-mesh screen or other effective safeguard located on the sawyer's side of the heavy screen to protect the sawyer from small flying particles;</p> <p>(g) a power unit driving a sawmill is equipped with an emergency stopping device located within immediate reach of the sawyer; and</p> <p>(h) the yard end of an elevated log deck rollway is equipped with a device that will prevent logs from rolling back into the mill yard.</p>	<p>are provided with a substantial, securely hinged cover;</p> <p>(c) a solid splitter is provided that</p> <p>(i) has a leading edge that is adjacent to and conforms to the curvature of the saw blade, and</p> <p>(ii) extends above the carriage deck a distance of not less than one-quarter of the diameter of the saw blade in use;</p> <p>(d) a substantial safeguard is provided over the lower portion of the head saw blade under the carriage tracks and extends at least 15 cm below the bottom of the largest size saw blade in use;</p> <p>(e) a substantial heavy-mesh screen or other suitable material is securely placed between the saw blade and the sawyer's position to protect the sawyer from any throw-backs from the saw;</p> <p>(f) mesh screens required by paragraph (e) are backed by a small-mesh screen or other effective safeguard located on the sawyer's side of the heavy screen to protect the sawyer from small flying particles;</p> <p>(g) a power unit driving a sawmill is equipped with an emergency stopping device located within immediate reach of the sawyer; and</p> <p>(h) the yard end of an elevated log deck rollway is equipped with a device that will prevent logs from rolling back into the mill yard.</p>	
<p>(3) An employer shall ensure that the support structure for a top saw is of sufficient size</p>	<p>(3) An employer shall ensure that the support structure for a top saw is of sufficient</p>	

and strength to withstand any forces imposed on the saw.	size and strength to withstand any forces imposed on the saw.	
Trimmer Saws	Trimmer Saws	
442.An employer shall ensure that a trimmer saw blade is equipped with a safeguard that allows the passage of material being cut, exposes a minimum amount of the saw blade and protects workers from flying debris.	442.An employer shall ensure that a trimmer saw blade is equipped with a safeguard that allows the passage of material being cut, exposes a minimum amount of the saw blade and protects workers from flying debris.	
Edgers	Edgers	
443. (1) An employer shall ensure that (a) the top of an edger is covered effectively to control flying debris; (b) the roll of an edger is kept in contact with the material being cut; and (c) an edger is equipped with an effective kickback device to protect workers from material thrown from either end of the edger.	443. (1) An employer shall ensure that (a) the top of an edger is covered effectively to control flying debris; (b) the roll of an edger is kept in contact with the material being cut; and (c) an edger is equipped with an effective kickback device to protect workers from material thrown from either end of the edger.	<u>Stakeholders</u> : suggest adding the following after "edger" "...and if the danger remains when the kickback fingers are raised, a substantial barrier must be provided to protect workers." <u>Committee</u> : Safeguards are dealt with under s. 155.
(2) An employer shall ensure that an overhead or double arbour saw edger is provided with a safeguard to protect workers from material thrown from the infeed rolls or the outfeed rolls.	(2) An employer shall ensure that an overhead or double arbour saw edger is provided with a safeguard to protect workers from material thrown from the infeed rolls or the outfeed rolls.	
Bandsaws	Bandsaws	
444.An employer shall ensure that (a) the saw blades of a bandsaw are enclosed or guarded between the top guideroll and the table, except on the working side of the blade; (b) bandsaw wheels are fully enclosed; and (c) bandsaw machines are provided with an effective automatic tension control device.	444.An employer shall ensure that (a) the saw blades of a bandsaw are enclosed or guarded between the top guideroll and the table, except on the working side of the blade; (b) bandsaw wheels are fully enclosed; and (c) bandsaw machines are provided with an effective automatic tension control device.	
Feedrolls of Resaws	Feedrolls of Resaws	
445.An employer or contactor shall ensure that	445.An employer shall ensure that the feedrolls	<u>Stakeholders</u> : Why is "contractor" mentioned?

the feedrolls of a resaw are protected with semi-cylindrical metal guards to prevent the hands of a worker from coming in contact with the roll.	of a resaw are protected with semi-cylindrical metal guards to prevent the hands of a worker from coming in contact with the roll.	<u>Committee</u> : It is deleted.
Dry Kilns	Dry Kilns	
446. An employer shall ensure that (a) before the heating process is begun, no worker remains in a dry kiln; and (b) a dry kiln is equipped with a readily identifiable escape door or kick out panel that measures not less than 600 mm by 600 mm.	446. An employer shall ensure that (a) before the heating process is begun, no worker remains in a dry kiln; and (b) a dry kiln is equipped with a readily identifiable escape door or kick out panel that measures not less than 600 mm by 600 mm.	<u>Stakeholders</u> : there must be a lock-out system before a person enters the dryer? <u>Committee</u> : Locking out is covered under section 157. Definition of "machine" is modified to include energy.
PART 30 ADDITIONAL PROTECTION FOR ELECTRICAL WORKERS	PART 30 ADDITIONAL PROTECTION FOR ELECTRICAL WORKERS	
Interpretation	Interpretation	
447. (1) In this Part, "approved" means as approved under the Electrical Protection Regulations; "electrical equipment" means electrical equipment as defined in subsection 1(1) of the Electrical Protection Act; "electrical worker" means a "qualified electrical worker" as defined in subsection 1(1) of the Electrical Protection Act;	447. (1) In this Part, "approved" means as approved under the <i>Electrical Protection Regulations</i> ; "electrical equipment" means electrical equipment as defined in subsection 1(1) of the <i>Electrical Protection Act</i> ; "electrical worker" means, (a) in the case of electrical work as defined in subsection 1(1) of the <i>Electrical Protection Act</i> , that is regulated by that Act, a qualified electrical worker as defined in subsection 1(1) of that Act, or (b) in the case of any work with electrical equipment that is not regulated by the <i>Electrical Protection Act</i> , a competent worker for that work;	<u>Stakeholders</u> : Does the definition of electrical worker apply to plant supervisors? <u>Committee</u> : The comment has been addressed given the redefinition of "electrical worker" and the exemption to electrical workers who work for utilities under subsection 447(3). <u>Stakeholders</u> : Should a plant supervisor be an electrical worker? <u>Committee</u> : The comment has been addressed given the redefinition of "electrical worker" and the exemption to electrical workers who work for utilities under subsection 447(3). <u>Stakeholders</u> : Confirm that electrical utilities will be able to apply for an exemption as is done for electrical utilities in Saskatchewan. Amendments may be required to <i>Safety Act</i> to allow this.
"guarded" means covered, shielded, fenced, enclosed or otherwise protected by suitable	"guarded" means covered, shielded, fenced, enclosed or otherwise protected by suitable	

covers, casings, barriers, rails, screens, mats, platforms or other equally effective means;	covers, casings, barriers, rails, screens, mats, platforms or other equally effective means;	<p><u>Committee</u>: Section 46 of the Saskatchewan <i>Occupational Health and Safety Act</i>, S.S. 1993, c.O-1.1 was alluded to:</p> <p>46. (1) In order to meet the special circumstances in a particular case, the director may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or class of persons from any provision of the regulations or a code of practice.</p> <p>(2) An exemption pursuant to subsection (1) shall be made only where the director is satisfied that the standard of health and safety of any worker is not materially affected by the exemption.</p> <p>(The "Director" in Saskatchewan is equivalent to the Chief Safety Officer in the NT and Nunavut.)</p> <p>There is no provision comparable to section 46 of the Saskatchewan OHS Act in the NT or NU <i>Safety Act</i>.</p> <p>The Chief Safety Officer does not have authority to make such an exemption. There is no authority to make regulations authorizing such exemptions under section 25 of the <i>Safety Act</i>, because such a power is not explicitly stated and would be a significant departure from objects of the Act.</p> <p>Authority to make an exemption could only be achieved through an amendment to the Act authorizing the Minister or Chief Safety Officer to grant such an exemption. Under the present</p>
"high voltage" means any voltage over 750 V;	"high voltage" means any voltage over 750 V;	
"lamp" means an artificial source of electric light;	"lamp" means an artificial source of electric light;	
"luminaire" means a complete lighting unit that is designed to accommodate a lamp and to connect the lamp to an electrical power supply;	"luminaire" means a complete lighting unit that is designed to accommodate a lamp and to connect the lamp to an electrical power supply;	
"readily accessible" means capable of being reached quickly for operation, renewal, or inspection, without requiring a worker to climb over or remove obstacles or to resort to portable means of access.	"readily accessible" means capable of being reached quickly for operation, renewal, or inspection, without requiring a worker to climb over or remove obstacles or to resort to portable means of access.	
<p>(2) Nothing in this Part shall be construed as authorizing</p> <p>(a) the performance of work by a person if it is unlawful for the person to perform that work because of the Electrical Protection Act or the regulations made pursuant to that Act or any other Act or regulation;</p> <p>(b) the use of electrical equipment if it is unlawful to use that equipment because of the Electrical Protection Act, the regulations made pursuant to that Act or any other Act or regulation; or</p> <p>(c) the performance of work in a particular manner if it is unlawful to perform the work in that manner because of the Electrical Protection Act, the regulations made pursuant to that Act or any other Act or regulation.</p>	<p>(2) Nothing in this Part shall be construed as authorizing</p> <p>(a) the performance of work by a person if it is unlawful for the person to perform that work because of the <i>Electrical Protection Act</i> or the regulations made pursuant to that Act or any other Act or regulation;</p> <p>(b) the use of electrical equipment if it is unlawful to use that equipment because of the <i>Electrical Protection Act</i>, the regulations made pursuant to that Act or any other Act or regulation; or</p> <p>(c) the performance of work in a particular manner if it is unlawful to perform the work in that manner because of the <i>Electrical Protection Act</i>, the regulations made pursuant to that Act or any other Act or regulation.</p>	
	<p>(3) This Part does not apply to any electrical work carried on by an electrical worker</p> <p>(a) in power houses, substations or other facilities</p>	

	<ul style="list-style-type: none"> (i) in which electricity is produced or from which electricity is distributed, and (ii) from which some or all of the electricity mentioned in paragraph (a) is sold; <p>(b) on railway cars or locomotives or street railway cars or locomotives; or</p> <p>(c) on transmission lines and distribution systems of electric utilities.</p>	<p><i>Safety Act</i> no such exemption may be granted.</p> <p>The Chief Safety Officer made inquiries to her counterpart in Saskatchewan to determine if such an exemption had been granted. It was indicated exemptions were granted but those exemptions are very limited.</p> <p>Comparing the <i>Electrical Protection Act</i>, R.S.N.W.T. 1988, c.E-8 and its Saskatchewan counterpart, <i>The Electrical Inspection Act</i>, 1993, S.S. 1996, c.E-6.3, the Saskatchewan Act, "electric utility" is a defined term and subsection 3(2) of that Act states:</p> <ul style="list-style-type: none"> (2) This Act does not apply to <ul style="list-style-type: none"> (a) the work of electrical installation: <ul style="list-style-type: none"> (i) in power houses, substations or other facilities: <ul style="list-style-type: none"> (A) in which electricity is produced or from which electricity is distributed; and (B) from which some or all of the electricity mentioned in paragraph (A) is sold; (ii) on railway cars or locomotives or street railway cars or locomotives; (iii) on transmission lines and distribution systems of electric utilities; or (iv) on elevators as defined in
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		<p style="text-align: right;"><i>The Passenger and Freight elevator Act</i>; or</p> <p>(b) any prescribed electrical equipment.</p> <p>Section 2 of the NT <i>Electrical Protection Act</i> states:</p> <p>2. This Act does not apply to the installation or use of electrical equipment</p> <p>(a) in an aircraft or a marine vessel; or</p> <p>(b) in a mine as defined in the <i>Mine Health and Safety Act</i>.</p> <p>There is an issue in respect of a missing equivalent to subsection 3(2) of the Saskatchewan <i>Electrical Inspection Act</i> from the NT and NU <i>Electrical Protection Act</i>. That exemption in the Saskatchewan Act exists because the enumerated classes of electrical installation are specialist installations, and the electrical workers at those installations are specially qualified.</p> <p>Affected stakeholders may consider contacting the GNWT Department of Public Works and Services or the GN Department of Community and Government Services, the departments that administer the <i>Electrical Protection Act</i> in each territory. Any recommendation for amendment to that Act is outside of the statutory mandate of the Committee.</p> <p>This analysis is important because it raises a question: "to whom is Part 30 intended to apply?" Part 30 should not apply to specialist</p>
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		<p>electrical workers at electrical utility installations. It applies to electrical workers at a general work site and any other worker carrying out electrical work other than that defined in the <i>Electrical Protection Act</i> (such as changing a light bulb). Furthermore, while the exemption should apply to a lineman on a transmission line, the exemption should not apply to other workers who might work on a pole or tower - including an electrical worker who may be undertaking work other than electrical work.</p> <p>Part 30 of the draft regulations is revised to add a non-application provision, in the new subsection 447(3). Such an exemption would be much more authoritative, in a statute, but amendments to the <i>Electrical Protection Act</i> are beyond the mandate of the Committee. If the <i>Electrical Protection Act</i> is amended at some future date, this subsection can be removed or amended accordingly.</p> <p><u>Stakeholders:</u> Concerned that the proposed regulations require all electrical workers to be electricians or apprentices.</p> <p>This would exclude all technicians, technologists, engineers and lineman. This is an unreasonable and impractical restriction and will create significant difficulties not only for employers in the North but also for employees who are otherwise experienced and capable employees but do not meet the increased standard.</p> <p><u>Committee:</u> Agrees with this criticism and notes that over-reaching into the realm of apprenticeships and trades may have unintentionally occurred in the consultation</p>
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		<p>draft. The revision to the definition of "electrical worker" addresses the concern.</p> <p><u>Stakeholders:</u> re: ss. 396, 397 and 447-448- ISSUE: DUPLICATING SECTIONS FROM OTHER ACTS OR CODES These sections at least in some cases would appear to be deal with items that are already covered under the National Building Code, the National Fire Code and the Electrical Protection Act. If these items are already covered under these codes and Act, then if the requirements in these codes and Act changes, then WSCC would have to go back and amend these regulations every time that happened if they wanted to keep their regulations consistent with these documents. It is suggested that generally referring to the requirements in these Codes and Act would mean that whatever these items changed, there would not be a requirement to change these Regulations. Stakeholder recommends that if an area is already dealt with somewhere else such as another Act, regulation or code, then it does not have to be included in these regulations.</p> <p><u>Committee:</u> For information on codes of practice, standards and codes see page 10 and also the comments associated with section 5.</p>
<p>Electrical Workers</p>	<p>Electrical Workers</p>	
<p>448. (1) Subject to subsection (2), an employer shall permit only electrical workers to construct, install, alter, repair or maintain electrical equipment.</p>	<p>448. (1) Subject to subsection (2), an employer shall permit only electrical workers to construct, install, alter, repair or maintain electrical equipment.</p>	<p><u>Stakeholders:</u> re: ss. 396, 397 and 447-448- ISSUE: DUPLICATING SECTIONS FROM OTHER ACTS OR CODES These sections at least in some cases would appear to be deal with items that are already covered under the National Building Code, the National Fire Code and the</p>

		<p>Electrical Protection Act. If these items are already covered under these codes and Act, then if the requirements in these codes and Act changes, then WSCC would have to go back and amend these regulations every time that happened if they wanted to keep their regulations consistent with these documents. It is suggested that generally referring to the requirements in these Codes and Act would mean that whatever these items changed, there would not be a requirement to change these Regulations. Stakeholder recommends that if an area is already dealt with somewhere else such as another Act, regulation or code, then it does not have to be included in these regulations.</p> <p><u>Committee:</u> For information on codes of practice, standards and codes see page 10 and also the comments associated with section 5.</p> <p><u>Stakeholders:</u> In terms of electrical workers, should adopt a standard such as NFPA 780E to provide greater clarity of requirements.</p> <p><u>Committee:</u> This may well be the case and it is hoped that the stakeholder will be involved in the development of a code of practice that adopts NFPA 780E under section 5 of these regulations.</p>
<p>(2) An employer may permit a competent worker who is not an electrical worker</p> <p>(a) to operate small powered mobile equipment and perform non-electrical work on or near de-energized electrical equipment;</p> <p>(b) to extend a portable power cable for routine advancement by interconnection of approved cord connectors, cord caps or similar devices;</p>	<p>(2) An employer may permit a competent worker</p> <p>(a) to operate powered mobile equipment and perform non-electrical work on or near de-energized electrical equipment;</p> <p>(b) to extend a portable power cable for routine advancement by interconnection of approved cord connectors, cord caps or similar</p>	<p><u>Committee:</u> "...Who is not an electrical worker", is removed from that part preceding paragraph (2)(a) because it is no longer necessary due to changes in section 447. The word "small" in paragraph (2)(e) is removed.</p> <p><u>Stakeholders:</u> while "competent workers" can change fuses up to 750 V, section 448 does not deal with an employee changing fuses over 750 V.</p>

<p>(c) to change light bulbs or tubes; (d) to insert or replace an approved fuse, to a maximum of 750 V, that controls circuits or equipment; or (e) to connect small portable electrical equipment that operates at less than 750 V to supply circuits by means of attachment plugs, where the connection does not overload the circuit conductors, or to use or operate small portable electrical equipment that is connected in that way.</p>	<p>devices; (c) to change light bulbs or tubes; (d) to insert or replace an approved fuse, to a maximum of 750 V, that controls circuits or equipment; or (e) to connect portable electrical equipment that operates at less than 750 V to supply circuits by means of attachment plugs, where the connection does not overload the circuit conductors, or to use or operate portable electrical equipment that is connected in that way.</p>	<p><u>Committee:</u> The stakeholder is correct. Anything over 750 V is considered to be work with high voltage (see definition in s. 447(1) of "high voltage"). Section 462 will also apply.</p> <p><u>Stakeholders:</u> re: (e) not sure what is meant by small some big motors run on 600 V</p> <p><u>Committee:</u> Agreed. "Small" does not add anything to this subsection and it is removed.</p>
<p>Electrical Equipment</p>	<p>Electrical Equipment</p>	
<p>449.(1) An employer shall ensure that only approved electrical equipment is used by workers and that the electrical equipment is</p> <ul style="list-style-type: none"> (a) approved for its intended use and location; (b) maintained in proper working condition and capable of safe operation; and (c) tested in accordance with the manufacturer's recommendations. 	<p>449.(1) An employer shall ensure that only approved electrical equipment is used by workers and that the electrical equipment is</p> <ul style="list-style-type: none"> (a) approved for its intended use and location; (b) maintained in proper working condition and capable of safe operation; and (c) tested in accordance with the manufacturer's recommendations. 	
<p>(2) Where defects or unsafe conditions have been identified in electrical equipment, an employer</p> <ul style="list-style-type: none"> (a) shall ensure that <ul style="list-style-type: none"> (i) steps are taken immediately to inform and protect the health and safety of any worker who may be at risk until the defects are repaired or the unsafe conditions are corrected, and (ii) the defects are repaired or the unsafe conditions are corrected 	<p>(2) Where defects or unsafe conditions have been identified in electrical equipment, an employer</p> <ul style="list-style-type: none"> (a) shall ensure that <ul style="list-style-type: none"> (i) steps are taken immediately to inform and protect the health and safety of any worker who may be at risk until the defects are repaired or the unsafe conditions are corrected, and (ii) the defects are repaired or the unsafe conditions are corrected 	

<p>as soon as is reasonably practicable; or (b) shall ensure that the electrical equipment is disconnected and removed from use.</p>	<p>as soon as is reasonably practicable; or (b) shall ensure that the electrical equipment is disconnected and removed from use.</p>	
<p>Covers for Switches, Receptacles and Connections</p>	<p>Covers for Switches, Receptacles and Connections</p>	
<p>450.An employer shall ensure that (a) all switches, receptacles, luminaires and junction boxes are fitted with a cover that is approved for the intended use and location of the cover; (b) all wire joints or connections are (i) fitted with an approved cap or other approved cover, (ii) enclosed in an approved box, or (iii) where the wire joints or connections are not permanently installed, protected from damage by another approved means; and (c) all dead, abandoned or disused electrical conductors or equipment are removed from the work site or disconnected and secured to prevent inadvertent energization.</p>	<p>450.An employer shall ensure that (a) all switches, receptacles, luminaires and junction boxes are fitted with a cover that is approved for the intended use and location of the cover; (b) all wire joints or connections are (i) fitted with an approved cap or other approved cover, (ii) enclosed in an approved box, or (iii) where the wire joints or connections are not permanently installed, protected from damage by another approved means; and (c) all dead, abandoned or disused electrical conductors or equipment are removed from the work site or disconnected and secured to prevent inadvertent energization.</p>	
<p>Electrical Equipment in Tunnel or Manhole</p>	<p>Electrical Equipment in Tunnel or Manhole</p>	
<p>451.Where electrical equipment is installed in a tunnel or manhole, an employer shall ensure, where reasonably, that (a) the tunnel or manhole is kept clear of water; and (b) the electrical equipment is protected from physical or mechanical damage.</p>	<p>451.Where electrical equipment is installed in a tunnel or manhole, an employer shall ensure, where reasonably, that (a) the tunnel or manhole is kept clear of water; and (b) the electrical equipment is protected from physical or mechanical damage.</p>	<p><u>Stakeholders:</u> [ss. 451-468] Check 466 LOA (Schedule P) for differences to the CEC [i.e. Canadian Electrical Code] Part 3 or we may require changes to our standards (possibly). <u>Committee:</u> The comment was from a utility provider. The concern is addressed by s. 447(3). <u>Stakeholders:</u> RE: ss. 451 to 464 The values in</p>

		<p>Schedule T in column 2 are insufficient and appear to be based on old methodology of only using Minimum Air Insulation Distance (MAID). [Our] calculations indicate that the values for 72kV, 138 kV or 230 kV are at or very close to MAD. This poses a huge safety risk since MAID means that a flash over will occur. The most current method, which is being adopted by utilities, is to use Section 5 of the CAN/ULC S801-10 "Standard on Electrical Utility Workplace Electrical Safety for Generation, Transmission & Distribution." This standard states that Minimum Approach Distances (MAD) shall be established by the electric utility and approved by a professional engineer using a recognized industry standard such as IEEE 51 6 or IEC 6 1472. MAD here is composed of MAID + ERGO. MAD is your Minimum Approach Distance (aka Limits of Approach). MAID (Minimum Air Insulation Distance) is your electrical flashover distance at worst case values. ERGO distance is a factor added for inadvertent movement, error in judgment, etc. In Alberta, a Qualified Utility Employee has an ergo distance of 450mm</p> <p>There are no values listed for 35kV. The NT has 35kV and therefore needs to be addressed.</p> <p><u>Committee:</u> The comment was from a utility provider. The concern is addressed by s. 447(3).</p> <p><u>Stakeholders:</u> We suggest that the electric utilities set their own minimum approach distances in accordance to S801-10. The government should set the limits for non-electrical utility workers (e-g. public) since the utility does not have control over what these people can and cannot do.</p>
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		<u>Committee</u> : The comment was from a utility provider. The concern is addressed by s. 447(3).
Luminaires	Luminaires	
452.An employer shall ensure that a luminaire that is located at a height of less than 2.1 m above a working or walking surface is protected against physical or mechanical damage by installation of a safeguard or the location of the luminaire.	452.An employer shall ensure that a luminaire that is located at a height of less than 2.1 m above a working or walking surface is protected against physical or mechanical damage by installation of a safeguard or the location of the luminaire.	<u>Stakeholders</u> : seems to be missing something or should it read over <u>Committee</u> : The comment suggests "above" should be replaced by "over". There is no difference between these words and for the purposes of harmonization, "above" is retained.
Extension and Power Supply Cords	Extension and Power Supply Cords	
453.An employer shall ensure that an electrical extension or power supply cord used for supplying energy to any electrical equipment (a) is approved for the intended use and location of the electrical extension or power supply cord; (b) is fitted with approved cord end attachment devices that are installed in an approved manner; (c) is provided with a grounding conductor; and (d) is maintained and protected from physical or mechanical damage.	453.An employer shall ensure that an electrical extension or power supply cord used for supplying energy to any electrical equipment (a) is approved for the intended use and location of the electrical extension or power supply cord; (b) is fitted with approved cord end attachment devices that are installed in an approved manner; (c) is provided with a grounding conductor; and (d) is maintained and protected from physical or mechanical damage.	<u>Stakeholders</u> : is this not the same as 454 if not what is the difference? <u>Committee</u> : A portable power cable is more heavy duty and intended for the link between the mains and the powered device. An extension and power supply cord is something much less heavy duty. Section 453 would require an outdoor extension cord to be used (probably CSA approved). Section 454 would require that a power cable be protected, inspected and maintained in a safe condition and used properly. The difference will be in terms of the thickness of the conductor (AWG) and to some extent the insulation and dielectric properties. See the Canadian Electrical Code and manufacturer's specifications for the device in use.
Portable Power Cables and Cable Couplers	Portable Power Cables and Cable Couplers	
454.(1) An employer shall ensure that every portable power cable and cable coupler is (a) protected from physical or mechanical damage; and (b) inspected by a competent person at intervals that are sufficient to protect the health and safety of	454.(1) An employer shall ensure that every portable power cable and cable coupler is (a) protected from physical or mechanical damage; and (b) inspected by a competent person at intervals that are sufficient to protect the health and safety of	

workers.	workers.	
(2) An employer shall ensure that (a) where any unsafe condition is identified in a portable power cable or cable coupler, the portable power cable or the cable coupler is repaired or taken out of service; and (b) every splice in a portable power cable is sufficiently strong and adequately insulated to retain the mechanical and dielectric strength of the original cable.	(2) An employer shall ensure that (a) where any unsafe condition is identified in a portable power cable or cable coupler, the portable power cable or the cable coupler is repaired or taken out of service; and (b) every splice in a portable power cable is sufficiently strong and adequately insulated to retain the mechanical and dielectric strength of the original cable.	
(3) A worker shall take all reasonably practicable steps not to drive equipment over, or otherwise damage, a portable power cable or cable coupler.	(3) A worker shall take all reasonably practicable steps not to drive equipment over, or otherwise damage, a portable power cable or cable coupler.	<u>Stakeholders</u> : need to protect the power cable. Suggest using "unprotected portable power cable or cable coupler". <u>Committee</u> : Use of an "unprotected power cable" suggests that such cables could have no insulation at all (i.e. bare wire). It also would suggest that if the power cable is protected it can be overdriven or damaged. The suggested use of "unprotected" is not adopted.
Portable Luminaires	Portable Luminaires	
455. (1) Where a portable luminaire is used, an employer shall ensure that (a) the electrical extension cord and fittings are approved for the intended use and location of the extension cord and fittings and are properly maintained; and (b) the electrical extension cord is not used to supply power to any equipment other than the portable luminaire unless the cord meets the requirements of section 453.	455. (1) Where a portable luminaire is used, an employer shall ensure that (a) the electrical extension cord and fittings are approved for the intended use and location of the extension cord and fittings and are properly maintained; and (b) the electrical extension cord is not used to supply power to any equipment other than the portable luminaire unless the cord meets the requirements of section 453.	
(2) An employer shall ensure that a portable luminaire used in a damp location or in a metallic	(2) An employer shall ensure that a portable luminaire used in a damp location or in a metallic	

<p>enclosure, including a drum, tank, vessel or boiler</p> <ul style="list-style-type: none"> (a) is operated at a potential of not more than 12 V; or (b) is supplied by a circuit that is protected by a Class A ground fault circuit interrupter. 	<p>enclosure, including a drum, tank, vessel or boiler</p> <ul style="list-style-type: none"> (a) is operated at a potential of not more than 12 V; or (b) is supplied by a circuit that is protected by a Class A ground fault circuit interrupter. 	
<p>Exposed Metal Parts</p>	<p>Exposed Metal Parts</p>	
<p>456. An employer shall ensure that every exposed metal part of portable electrical equipment that is not designed to carry electrical current is connected to ground unless</p> <ul style="list-style-type: none"> (a) the electrical equipment is of an approved, double-insulated type and is clearly marked as such; (b) power is supplied to the equipment through an isolating transformer having a non-grounded secondary of not more than 50 V potential; (c) power is supplied to the equipment through a Class A ground fault circuit interrupter; or (d) power is supplied to the equipment from a battery of not over 50 V potential. 	<p>456. An employer shall ensure that every exposed metal part of portable electrical equipment that is not designed to carry electrical current is connected to ground unless</p> <ul style="list-style-type: none"> (a) the electrical equipment is of an approved, double-insulated type and is clearly marked as such; (b) power is supplied to the equipment through an isolating transformer having a non-grounded secondary of not more than 50 V potential; (c) power is supplied to the equipment through a Class A ground fault circuit interrupter; or (d) power is supplied to the equipment from a battery of not over 50 V potential. 	
<p>Portable Electric Power Plants</p>	<p>Portable Electric Power Plants</p>	
<p>457. An employer or supplier shall ensure that</p> <ul style="list-style-type: none"> (a) a portable electric power plant that is operated at voltages exceeding 240 V to ground or is rated in excess of 12.0 kVA is connected to ground in a manner approved pursuant to the Electrical Protection Act; and (b) all electrical equipment connected to an ungrounded portable electric power plant <ul style="list-style-type: none"> (i) is of the double insulated type; and 	<p>457. (1) An employer or supplier shall ensure that</p> <ul style="list-style-type: none"> (a) a portable electric power plant that is operated at voltages exceeding 240 V to ground or is rated in excess of 12.0 kVA is connected to ground in a manner approved pursuant to the <i>Electrical Protection Act</i>; and (b) all electrical equipment connected to an ungrounded portable electric power plant <ul style="list-style-type: none"> (i) is of the double insulated type; 	<p><u>Committee</u>: Missing subsection number added.</p>

(ii) is clearly marked as being of the double insulated type or is supplied from a Class A ground fault interrupting device.	and (ii) is clearly marked as being of the double insulated type or is supplied from a Class A ground fault interrupting device.	
(2) Subsection (1) does not apply if the electrical energy is used for electric arc welding.	(2) Subsection (1) does not apply if the electrical energy is used for electric arc welding.	
Electrical Panels	Electrical Panels	
458. An employer shall ensure that every electrical panel is (a) approved for the intended use and location of the electrical panel; (b) protected from physical or mechanical damage; (c) readily accessible; and (d) fitted with an approved cover that has an approved filler in any unused opening.	458. An employer shall ensure that every electrical panel is (a) approved for the intended use and location of the electrical panel; (b) protected from physical or mechanical damage; (c) readily accessible; and (d) fitted with an approved cover that has an approved filler in any unused opening.	
High Voltage Switchgear and Transformers	High Voltage Switchgear and Transformers	
459. (1) An employer shall ensure that a place where electrical switchgear or transformers operating at high voltage are housed is (a) guarded; (b) kept free of extraneous material; and (c) adequately ventilated.	459. (1) An employer shall ensure that a place where electrical switchgear or transformers operating at high voltage are housed is (a) guarded; (b) kept free of extraneous material; and (c) adequately ventilated.	<u>Stakeholders</u> : Does, or is "guarded" intended to, require an actual person present at all times, or would secure fencing be adequate? <u>Committee</u> : "Guarded" is a defined term in s. 446 and it means shielded, fenced or enclosed etc.
(2) Where high voltage switchgear or transformers are housed, an employer shall post a warning sign that (a) indicates the highest voltage in use; and (b) states that access is restricted to authorized persons only.	(2) Where high voltage switchgear or transformers are housed, an employer shall post a warning sign that (a) indicates the highest voltage in use; and (b) states that access is restricted to authorized persons only.	
Fire Extinguishers	Fire Extinguishers	
460. An employer shall ensure that a fire extinguisher approved for Class C fires is readily	460. An employer shall ensure that a fire extinguisher approved for Class C fires is readily	<u>Stakeholders</u> : Why restrict this to high voltage should apply to low voltage also working on

<p>available to workers working on or near energized high voltage electrical equipment.</p>	<p>available to workers working on or near energized high voltage electrical equipment.</p>	<p>energized equipment not correct suggest An employer shall ensure that a fire extinguisher approved for Class C fires is readily available to workers <u>at or near</u> energized electrical equipment.</p> <p><u>Committee</u>: The use of the word "on" is preferred over the use of the word "at". It is up to the employer to decide if such a fire extinguisher is needed for energized low voltage equipment.</p>
<p>Grounding of Equipment Before Work Begins</p>	<p>Grounding of Equipment Before Work Begins</p>	
<p>461. Before any work, other than work to which subsection 462(7) applies, begins on an electrical conductor or electrical equipment and during the progress of that work, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the electrical conductor or electrical equipment is isolated, locked out and connected to ground; or (b) other effective procedures are taken to ensure the safety of the workers. 	<p>461. Before any work, other than work to which subsection 462(7) applies, begins on an electrical conductor or electrical equipment and during the progress of that work, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the electrical conductor or electrical equipment is isolated, locked out and connected to ground; or (b) other effective procedures are taken to ensure the safety of the workers. 	
<p>Proximity to Exposed Energized High Voltage Electrical Conductors</p>	<p>Proximity to Exposed Energized High Voltage Electrical Conductors</p>	
	<p>462. (1) In this section, "electrical worker" means</p> <ul style="list-style-type: none"> (a) an electrical worker as defined in section 447, or (b) for the purpose of design, calibrating of equipment, inspection, monitoring, testing, and commissioning of equipment in high voltage installations, electrical engineers; 	<p><u>Stakeholders</u>: Should have the "LOA" in Schedule T checked with Part 3 of the Canadian Electrical Code.</p> <p><u>Committee</u>: The comment was from a utility provider. The concern is addressed by s. 447(3).</p>
<p>462. (1) In this section,</p>	<p>"utility tree trimmer" means a person who has successfully completed a course that has been</p>	

<p>"utility tree trimmer" means a person who has successfully completed a course that has been approved for the purposes of this section.</p>	<p>approved for the purposes of this section.</p>	
<p>(2) An employer shall ensure that an electrical worker has had approved training in high voltage safety.</p>	<p>(2) An employer shall ensure that an electrical worker who is exposed to energized high voltage electrical conductors has had approved training in high voltage safety.</p>	<p><u>Committee</u>: This change is needed to reflect the change in the definition of “electrical worker” in s. 447(1).</p>
<p>(3) No electrical worker shall undertake high voltage electrical work unless the worker</p> <ul style="list-style-type: none"> (a) has written proof of approved training in high voltage electrical safety; and (b) has that written proof of approved training readily accessible at all times while working near energized high voltage electrical conductors. 	<p>(3) No electrical worker shall undertake high voltage electrical work unless the worker</p> <ul style="list-style-type: none"> (a) has written proof of approved training in high voltage electrical safety; and (b) has that written proof of approved training readily accessible at all times while working near energized high voltage electrical conductors. 	
<p>(4) Except as otherwise provided in this section, an employer shall ensure that no worker works, no material is piled, stored or handled, no scaffold is erected or dismantled and no equipment or powered mobile equipment is used or operated within the minimum distance from any exposed energized electrical conductor set out in column 1 of Schedule T.</p>	<p>(4) Except as otherwise provided in this section, an employer shall ensure that no worker works, no material is piled, stored or handled, no scaffold is erected or dismantled and no equipment or powered mobile equipment is used or operated within the minimum distance from any exposed energized electrical conductor set out in column 1 of Schedule T.</p>	
<p>(5) Subsection (4) does not apply to a worker who is undertaking a specific one-time activity under the direct supervision of an electrical worker.</p>	<p>(5) Subsection (4) does not apply to a worker who is undertaking a specific one-time activity under the direct supervision of an electrical worker.</p>	
<p>(6) An employer shall ensure that no worker who is at ground potential approaches an exposed energized electrical conductor closer than the minimum distance set out in column 2 of Schedule T.</p>	<p>(6) An employer shall ensure that no worker who is at ground potential approaches an exposed energized electrical conductor closer than the minimum distance set out in column 2 of Schedule T.</p>	
<p>(7) An employer shall ensure that only an electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Schedule T.</p>	<p>(7) An employer shall ensure that only an electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Schedule T.</p>	

<p>(8) Where an electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Schedule T, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the electrical worker <ul style="list-style-type: none"> (i) performs the work in accordance with written instructions for a safe work procedure that have been developed and signed by a competent person who has been appointed by the employer for that purpose; (ii) uses equipment that is approved for its intended use; and (iii) uses personal protective equipment that meets the requirements of Part 7; or (b) the conductor is operating at 25 kV or less and is fitted with rubber and rubber-like insulating barriers that meet the requirements of an approved standard. 	<p>(8) Where an electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Schedule T, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the electrical worker <ul style="list-style-type: none"> (i) performs the work in accordance with written instructions for a safe work procedure that have been developed and signed by a competent person who has been appointed by the employer for that purpose; (ii) uses equipment that is approved for its intended use; and (iii) uses personal protective equipment that meets the requirements of Part 7; or (b) the conductor is operating at 25 kV or less and is fitted with rubber and rubber-like insulating barriers that meet the requirements of an approved standard. 	
<p>(9) An employer shall ensure that no part of a vehicle is operated on a public road, highway, street, lane or alley within the minimum distance from an exposed energized electrical conductor set out in column 3 of Schedule T and that no part of a vehicle’s load comes within the minimum distance.</p>	<p>(9) An employer shall ensure that no part of a vehicle is operated on a public road, highway, street, lane or alley within the minimum distance from an exposed energized electrical conductor set out in column 3 of Schedule T and that no part of a vehicle’s load comes within the minimum distance.</p>	
<p>(10) An employer shall ensure that no utility tree trimmer works within the minimum distance from an exposed energized electrical conductor set out in</p> <ul style="list-style-type: none"> (a) column 4 of Schedule T for utility tree trimmers using conducting 	<p>(10) An employer shall ensure that no utility tree trimmer works within the minimum distance from an exposed energized electrical conductor set out in</p> <ul style="list-style-type: none"> (a) column 4 of Schedule T for utility tree trimmers using conducting 	

<p>objects exposed to energized parts; (b) column 5 of Schedule T for utility tree trimmers using rated tools exposed to energized parts; (c) column 6 of Schedule T for utility tree trimmers using rated insulating booms.</p>	<p>objects exposed to energized parts; (b) column 5 of Schedule T for utility tree trimmers using rated tools exposed to energized parts; (c) column 6 of Schedule T for utility tree trimmers using rated insulating booms.</p>	
<p>Exposed Energized Electrical Conductors Operating at Certain Voltages</p>	<p>Exposed Energized Electrical Conductors Operating at Certain Voltages</p>	
<p>463. Where work is being carried out in proximity to exposed energized electrical conductors operating at 31 to 750 V, an employer shall ensure that the work is carried out so that accidental contact with the energized electrical conductor by any worker is prevented.</p>	<p>463. Where work is being carried out in proximity to exposed energized electrical conductors operating at 31 to 750 V, an employer shall ensure that the work is carried out so that accidental contact with the energized electrical conductor by any worker is prevented.</p>	
<p>Emergency Program</p>	<p>Emergency Program</p>	
<p>464. (1) Where an electrical worker may come in contact with an exposed energized electrical conductor and that contact may affect the health or safety of the worker, an employer shall develop and implement an emergency program that sets out the procedures to be followed in the event of that contact.</p>	<p>464. (1) Where an electrical worker may come in contact with an exposed energized electrical conductor and that contact may affect the health or safety of the worker, an employer shall develop and implement an emergency program that sets out the procedures to be followed in the event of that contact.</p>	<p><u>Stakeholders:</u> Why limit to electrical workers?</p> <p><u>Committee:</u> Because this Part deals with electrical workers.</p>
<p>(2) An emergency program developed pursuant to subsection (1) must include procedures</p> <ul style="list-style-type: none"> (a) to rescue a worker who has come into contact with a live conductor; (b) to administer first aid to a worker who has sustained an electric shock; and (c) to obtain medical assistance. 	<p>(2) An emergency program developed pursuant to subsection (1) must include procedures</p> <ul style="list-style-type: none"> (a) to rescue a worker who has come into contact with a live conductor; (b) to administer first aid to a worker who has sustained an electric shock; and (c) to obtain medical assistance. 	
<p>(3) An employer shall ensure that the workers are adequately trained to implement the emergency program.</p>	<p>(3) An employer shall ensure that the workers are adequately trained to implement the emergency program.</p>	

PART 31 ADDITIONAL PROTECTION FOR HEALTH CARE WORKERS	PART 31 ADDITIONAL PROTECTION FOR HEALTH CARE WORKERS	
Interpretation	Interpretation	
<p>465. In this Part</p> <p>"contaminated laundry" means laundry that has been contaminated by waste;</p> <p>"health care facility" means</p> <ul style="list-style-type: none"> (a) a "health care facility" as defined in subsection 1(1) of the <i>Workers' Compensation Act</i>, (b) a "health facility" as defined in section 1 of the <i>Hospital Insurance and Health and Social Services Administration Act</i>, (c) a "health care facility" as defined in subsection 1(1) of the <i>Hospital and Health Care Facility Standards Regulations</i>, (d) a laboratory facility that is located in, or that provides services to a health care facility, (e) any other work site that provides testing, diagnosis, treatment or care to a patient, resident or client for the purpose of improving or maintaining the physical or mental health of the patient, resident or client, (f) a laundry facility that is located in, or that provides services to a health care facility, (g) an ambulance service, (h) an air ambulance service, (i) a medical office or medical clinic, (j) a dental office or dental clinic, 	<p>465. In this Part</p> <p>"contaminated laundry" means laundry that has been contaminated by waste;</p> <p>"health care facility" means</p> <ul style="list-style-type: none"> (a) a "health care facility" as defined in subsection 1(1) of the <i>Workers' Compensation Act</i>, (b) a "health facility" as defined in section 1 of the <i>Hospital Insurance and Health and Social Services Administration Act</i>, (c) a "health care facility" as defined in subsection 1(1) of the <i>Hospital and Health Care Facility Standards Regulations</i>, (d) a laboratory facility that is located in, or that provides services to a health care facility, (e) any other work site that provides testing, diagnosis, treatment or care to a patient, resident or client for the purpose of improving or maintaining the physical or mental health of the patient, resident or client, (f) a laundry facility that is located in, or that provides services to a health care facility, (g) an ambulance service, (h) an air ambulance service, (i) a medical office or medical clinic, 	<p><u>Stakeholders</u>: what about slaughter yards and meat plants</p> <p><u>Committee</u>: These have nothing to do with health care workers. Such places are industrial facilities (food processing). The mention of the veterinary office relates to the use of pharmaceuticals and needles etc. and these pose hazards to the workers. That is not to say workers in abattoirs and meat packing plants do not face hazards, but those hazards are not of this special type. Other provisions of these regulations will apply to them.</p>

<p>(k) a veterinary surgery as defined in the <i>Veterinary Profession Act</i>, (l) a veterinary office or clinic where castration, spaying, vaccinating or dehorning of animals occurs, (m) a post-mortem facility for humans or animals, or (n) a facility that processes human anatomical waste, including a funeral home or crematorium;</p> <p>"waste" means any biomedical or pharmaceutical material or substance that may be hazardous to the health or safety of a worker and that requires special handling precautions, decontamination procedures or disposal, and includes</p> <p>(a) human anatomical waste, (b) animal anatomical waste, (c) microbiological laboratory waste, (d) blood and body fluid waste, and (e) used or contaminated needles, syringes, blades, clinical glass and other clinical items that are capable of causing a cut or puncture.</p>	<p>(j) a dental office or dental clinic, (k) a veterinary surgery as defined in the <i>Veterinary Profession Act</i>, (l) a veterinary office or clinic where castration, spaying, vaccinating or dehorning of animals occurs, (m) a post-mortem facility for humans or animals, or (n) a facility that processes human anatomical waste, including a funeral home or crematorium;</p> <p>"waste" means any biomedical or pharmaceutical material or substance that may be hazardous to the health or safety of a worker and that requires special handling precautions, decontamination procedures or disposal, and includes</p> <p>(a) human anatomical waste, (b) animal anatomical waste, (c) microbiological laboratory waste, (d) blood and body fluid waste, and (e) used or contaminated needles, syringes, blades, clinical glass and other clinical items that are capable of causing a cut or puncture.</p>	
<p>Application of Part</p>	<p>Application of Part</p>	
<p>466.This Part applies to health care facilities.</p>	<p>466.This Part applies to health care facilities.</p>	
<p>Lifting Patients</p>	<p>Patient Moving and Handling</p>	<p><u>Committee:</u> Heading changed to reflect the content more (not just lifting patients). A heading has no interpretative value and is just for convenience (s. 10 <i>Interpretation Act</i>.)]</p>
<p>467. (1) Where workers are required or permitted to lift, hold, turn or transfer patients, residents or clients, an employer</p> <p>(a) shall, in consultation with the Committee, develop a written program specifying</p>	<p>467. (1) Where workers are required or permitted to lift, hold, turn or transfer patients, residents or clients, an employer</p> <p>(a) shall, in consultation with the Committee, develop a written program specifying</p>	<p><u>Stakeholders:</u> ISSUE: "written program" Requiring a 'program' does not seem to be used previously. What is the difference between providing education vs. a written program? Again we are looking for consistency of language.</p>

<p>(i) the procedures to be used in assessing whether a patient, resident or client requires assistance to move, and</p> <p>(ii) the procedures and techniques that workers must use when lifting, holding, turning or transferring a patient, resident or client under all reasonably foreseeable circumstances;</p> <p>(b) shall implement the program developed pursuant to paragraph (a);</p> <p>(c) shall make readily available for reference by workers a copy of the program developed pursuant to paragraph (a);</p> <p>(d) shall, where the program developed pursuant to paragraph (a) requires the use of mechanical devices, provide mechanical devices, sufficient in quantity and quality, to protect the health and safety of workers to assist with lifting, holding, turning or transferring patients, residents or clients;</p> <p>(e) shall ensure that workers use and maintain the mechanical devices provided pursuant to paragraph (d) according to the manufacturer's recommendations; and</p> <p>(f) shall ensure that workers</p> <p>(i) are instructed in the causes of injuries resulting from lifting, holding, turning or transferring patients, residents or clients and the means to prevent those injuries,</p>	<p>(i) the procedures to be used in assessing whether a patient, resident or client requires assistance to move, and</p> <p>(ii) the procedures and techniques that workers must use when lifting, holding, turning or transferring a patient, resident or client under all reasonably foreseeable circumstances;</p> <p>(b) shall implement the program developed pursuant to paragraph (a);</p> <p>(c) shall make readily available for reference by workers a copy of the program developed pursuant to paragraph (a);</p> <p>(d) shall, where the program developed pursuant to paragraph (a) requires the use of mechanical devices, provide mechanical devices, sufficient in quantity and quality, to protect the health and safety of workers to assist with lifting, holding, turning or transferring patients, residents or clients;</p> <p>(e) shall ensure that workers use and maintain the mechanical devices provided pursuant to paragraph (d) according to the manufacturer's recommendations; and</p> <p>(f) shall ensure that workers</p> <p>(i) are instructed in the causes of injuries resulting from lifting, holding, turning or transferring patients, residents or clients and the means to prevent those injuries,</p>	<p><u>Committee:</u> "program" is used quite often throughout the regulations. It is not a new term here. It is generally used when indicating a document that sets out fairly specific, detailed actions that people are supposed to take in particular circumstances. It is also used in this context because this type of back health program may already exist elsewhere in a form suitable for adoption with little or no modification in territorial facilities.</p> <p>While the regulations refer to a "written program", an employer does not have to use that term: if it calls it a "protocol" or "procedures" or something else, as long as it covers the content set out in subsection (6) it will meet the requirements of the regulations.</p> <p><u>Stakeholders:</u> We recommend there be a requirement for a more generic patient program than a specific lifting program.</p> <p><u>Committee:</u> These regulations are only about worker safety, not patient safety.</p> <p><u>Stakeholders:</u> re: (e) the maintenance needs to be done by qualified people not the nurse.</p> <p><u>Committee:</u> What is being described here are lifting and traction devices for patients. "Nurses" are not referred to but "workers" are. It is possible a nurse could be doing this sort of work but so could other workers.</p> <p><u>Stakeholders:</u> This section is very important for health care workers as back injuries top the list for worker injuries in the area. It must remain part of the proposed legislation that a program</p>
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<p>(ii) are trained in, and use, the procedures and techniques of lifting, holding, turning and transferring patients, residents or clients, and (iii) are trained in the use of the mechanical devices provided pursuant to paragraph (d).</p>	<p>(ii) are trained in, and use, the procedures and techniques of lifting, holding, turning and transferring patients, residents or clients, and (iii) are trained in the use of the mechanical devices provided pursuant to paragraph (d).</p>	<p>needs to exist to manage injuries. Back injury program needs to be legislated as it is the leading cause of injury in health care setting. The programs themselves can be dealt with in a code of practice. As far as costs- it would be cheaper to have an effective program versus paying compensation and retraining of workers. <u>Committee:</u> These regulations do not address the management of injuries other than to the extent that first aid is rendered. Rehabilitation etc. are covered under the <i>Workers' Compensation Act</i> and probably other Acts governing the rendering of medical care. Prevention, reporting and mitigation are covered under the <i>Safety Act</i>. There are no real substantive changes to this section.</p>
<p>(2) Where a patient, resident or client has been assessed as requiring assistance to move, an employer shall ensure that the status of the patient, resident or client and the appropriate techniques to lift, hold, turn or transfer the patient, resident or client are clearly identified in writing or by other visual means at or near the location of the patient, resident or client.</p>	<p>(2) Where a patient, resident or client has been assessed as requiring assistance to move, an employer shall ensure that the status of the patient, resident or client and the appropriate techniques to lift, hold, turn or transfer the patient, resident or client are clearly identified in writing or by other visual means at or near the location of the patient, resident or client.</p>	
<p>(3) An employer, in consultation with the Committee, occupational health and safety representative or workers, shall review all injuries resulting from lifting, holding, turning or transferring patients, residents or clients to determine the causes of the injuries.</p>	<p>(3) An employer, in consultation with the Committee or representative or workers, shall review all injuries resulting from lifting, holding, turning or transferring patients, residents or clients to determine the causes of the injuries.</p>	
<p>(4) An employer shall take appropriate action to prevent the occurrence of injuries similar to an injury reviewed pursuant to subsection (3).</p>	<p>(4) An employer shall take appropriate action to prevent the occurrence of injuries similar to an injury reviewed pursuant to subsection (3).</p>	
<p>(5) Where a program developed pursuant to</p>	<p>(5) Where a program developed pursuant</p>	

<p>paragraph (1)(a) specifies the use of a mechanical device or the assistance of another worker, no employer shall require or permit a worker to lift, hold, turn or transfer a patient, resident or client without the use of the device or the assistance of the other worker.</p>	<p>to paragraph (1)(a) specifies the use of a mechanical device or the assistance of another worker, no employer shall require or permit a worker to lift, hold, turn or transfer a patient, resident or client without the use of the device or the assistance of the other worker.</p>	
<p>Cytotoxic Drugs</p>	<p>Cytotoxic Drugs</p>	
<p>468. (1) In this section, "cytotoxic drugs" means drugs that</p> <ul style="list-style-type: none"> (a) inhibit or prevent the functions of cells; and (b) are manufactured, sold or represented for use in treating neoplastic or other conditions. 	<p>468. (1) In this section, "cytotoxic drugs" means drugs that</p> <ul style="list-style-type: none"> (a) inhibit or prevent the functions of cells; and (b) are manufactured, sold or represented for use in treating neoplastic or other conditions. 	
<p>(2) An employer shall take all practicable steps to minimize the exposure of workers to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.</p>	<p>(2) An employer shall take all practicable steps to minimize the exposure of workers to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.</p>	
<p>(3) Where workers prepare parenteral cytotoxic drugs on a frequent and continuing basis, an employer shall provide and maintain an approved biological safety cabinet in accordance with subsection (4) and ensure that workers use the cabinet safely.</p>	<p>(3) Where workers prepare parenteral cytotoxic drugs on a frequent and continuing basis, an employer shall provide and maintain an approved biological safety cabinet in accordance with subsection (4) and ensure that workers use the cabinet safely.</p>	
<p>(4) A biological safety cabinet must be</p> <ul style="list-style-type: none"> (a) inspected and certified by a competent person at least annually and when the biological safety cabinet is moved; and (b) used and maintained according to an approved procedure or the manufacturer's recommendations. 	<p>(4) A biological safety cabinet must be</p> <ul style="list-style-type: none"> (a) inspected and certified by a competent person at least annually and when the biological safety cabinet is moved; and (b) used and maintained according to an approved procedure or the manufacturer's recommendations. 	
<p>(5) Where workers are required to prepare, administer, handle or use cytotoxic drugs or are likely to be exposed to cytotoxic drugs, an employer, in consultation with the Committee, shall develop a written program to protect the</p>	<p>(5) Where workers are required to prepare, administer, handle or use cytotoxic drugs or are likely to be exposed to cytotoxic drugs, an employer, in consultation with the Committee, shall develop a written program to protect the</p>	

<p>health and safety of workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.</p>	<p>health and safety of workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.</p>	
<p>(6) A program developed pursuant to subsection (5) must include</p> <ul style="list-style-type: none"> (a) the measures to be taken to identify, store, prepare, administer, handle, use, transport and dispose of cytotoxic drugs and materials contaminated with cytotoxic drugs; (b) the emergency steps to be followed in the event of <ul style="list-style-type: none"> (i) a spill or leak of a cytotoxic drug, or (ii) worker exposure to cytotoxic drugs by a puncture of the skin, absorption through the skin, contact with an eye, inhalation of drug dust or ingestion of a contaminated substance; (c) the methods to be followed in maintaining and disposing of equipment contaminated with cytotoxic drugs; (d) the use to be made of engineering controls, work practices, hygiene practices and facilities, approved respiratory protective devices, approved eye or face protectors and other personal protective equipment and decontamination materials and equipment that are appropriate in the circumstances; and (e) the use to be made of an approved biological safety cabinet for the preparation of cytotoxic drugs and the methods to be followed in maintaining the cabinet. 	<p>(6) A program developed pursuant to subsection (5) must include</p> <ul style="list-style-type: none"> (a) the measures to be taken to identify, store, prepare, administer, handle, use, transport and dispose of cytotoxic drugs and materials contaminated with cytotoxic drugs; (b) the emergency steps to be followed in the event of <ul style="list-style-type: none"> (i) a spill or leak of a cytotoxic drug, or (ii) worker exposure to cytotoxic drugs by a puncture of the skin, absorption through the skin, contact with an eye, inhalation of drug dust or ingestion of a contaminated substance; (c) the methods to be followed in maintaining and disposing of equipment contaminated with cytotoxic drugs; (d) the use to be made of engineering controls, work practices, hygiene practices and facilities, approved respiratory protective devices, approved eye or face protectors and other personal protective equipment and decontamination materials and equipment that are appropriate in the circumstances; and (e) the use to be made of an approved biological safety cabinet for the preparation of cytotoxic drugs and the methods to be followed in 	

	maintaining the cabinet.	
(7) An employer shall (a) implement the program developed pursuant to subsection (5); (b) ensure that all workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs are trained in the program; and (c) make a copy of the program readily available for reference by workers.	(7) An employer shall (a) implement the program developed pursuant to subsection (5); (b) ensure that all workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs are trained in the program; and (c) make a copy of the program readily available for reference by workers.	
Waste	Waste	
469. (1) Where exposure to waste is likely to endanger the health or safety of a worker, an employer shall develop and implement a process that ensures that the waste (a) is segregated at the place where the waste is located or produced; (b) is contained in a secure, clearly labelled package or container that holds the contents safely until it is cleaned, decontaminated or disposed of; and (c) is cleaned, decontaminated or disposed of in a manner that will not endanger the health or safety of any worker.	469. (1) Where exposure to waste is likely to endanger the health or safety of a worker, an employer shall develop and implement a process that ensures that the waste (a) is segregated at the place where the waste is located or produced; (b) is contained in a secure, clearly labelled package or container that holds the contents safely until it is cleaned, decontaminated or disposed of; and (c) is cleaned, decontaminated or disposed of in a manner that will not endanger the health or safety of any worker.	
(2) An employer shall ensure that (a) a worker who generates, collects, transports, cleans, decontaminates or disposes of waste or launders contaminated laundry is trained in safe work practices and procedures, and is provided with personal protective equipment, that are appropriate to the risks associated with the worker's work; and	(2) An employer shall ensure that (a) a worker who generates, collects, transports, cleans, decontaminates or disposes of waste or launders contaminated laundry is trained in safe work practices and procedures; (b) a worker in paragraph (a) is provided with personal protective equipment, that is appropriate to the risks associated with the worker's work;	<u>Committee</u> : Paragraph (b) is added. This follows from the analysis of Part 7 (PPE). Special risks may be associated with the waste and the employer should be required to provide the necessary PPE.

<p>(b) a worker described in paragraph (a) uses the safe work practices and procedures and the personal protective equipment referred to in that paragraph.</p>	<p>and (c) a worker described in paragraph (a) uses the safe work practices and procedures and the personal protective equipment referred to in that paragraph.</p>	
<p>Equipment Contaminated with Waste</p>	<p>Equipment Contaminated with Waste</p>	
<p>470. An employer shall ensure that, where reasonably practicable, any equipment that has been contaminated with waste is inspected and decontaminated before it is repaired or shipped for repair.</p>	<p>470. An employer shall ensure that, where reasonably practicable, any equipment that has been contaminated with waste is inspected and decontaminated before it is repaired or shipped for repair.</p>	
<p>Waste Needles</p>	<p>Waste Needles</p>	
<p>471. (1) An employer shall provide readily accessible containers for waste needles, syringes, blades, clinical glass and any other clinical items that are capable of causing a cut or puncture and shall ensure that workers use those containers.</p>	<p>471. (1) An employer shall provide readily accessible containers for waste needles, syringes, blades, clinical glass and any other clinical items that are capable of causing a cut or puncture and shall ensure that workers use those containers.</p>	<p><u>Stakeholders:</u> This language is idealistic rather than practical How does an employer actually ensure something does not happen? We can instruct but cannot ensure that employees do not do this.</p> <p><u>Committee:</u> The term “shall ensure” is not idealistic. “Ensure” means the employer has to take positive steps to do something.</p>
<p>(2) The containers required by subsection (1) must</p> <ul style="list-style-type: none"> (a) have a fill line; (b) be clearly identified as containing hazardous waste; and (c) be sturdy enough to resist puncture under normal conditions of use and handling until the containers are disposed of. 	<p>(2) The containers required by subsection (1) must</p> <ul style="list-style-type: none"> (a) have a fill line; (b) be clearly identified as containing hazardous waste; and (c) be sturdy enough to resist puncture under normal conditions of use and handling until the containers are disposed of. 	<p><u>Stakeholders:</u> Section 471.(2) -suggest a new proviso: 471.(2)(d): "The employer establishes a system / for exchanging containers when they are filled."</p> <p><u>Committee:</u> If an employer does not establish a system for exchanging containers when they are filled, the employer is not meeting his or her requirements under subsection (1). Paragraph (d) is not needed.</p>
<p>(3) An employer shall ensure that workers do not manually clip, bend, break or recap waste needles.</p>	<p>(3) An employer shall ensure that workers do not manually clip, bend, break or recap waste needles.</p>	<p><u>Stakeholders:</u> Section 471.(3) suggest text is changed to: "An employer shall provide education x, that workers ... " (replacement of the word "ensure")</p>

		<p><u>Committee</u>: If the suggested rewording is used, the employer will have to provide the education. The way this subsection is set up, the employer is not restricted to education, but may take any measure including the posting of signs or use of effective supervision.</p>
Contaminated Laundry	Contaminated Laundry	
<p>472. (1) An employer shall ensure that workers handle contaminated laundry as little as possible to prevent gross microbial contamination of the air and of any worker handling the laundry.</p>	<p>472. (1) An employer shall ensure that workers handle contaminated laundry as little as possible to prevent gross microbial contamination of the air and of any worker handling the laundry.</p>	<p><u>Stakeholders</u>: suggest text is changed to: "An employer shall provide education so that workers ... " (replacement of the word "ensure")</p> <p><u>Committee</u>: Suggestion not adopted. See s. 471(3).</p> <p><u>Stakeholders</u>: re: subsection 472.(2) -suggest a new proviso: 4721.(2)(d): "Self contained or Melt Away bag, so that there is no exposure to air or aerosolization of infectious particles."</p> <p><u>Committee</u>: Melt away bags are just one way of minimizing risks. There are other ways of meeting the requirements.</p>
<p>(2) At a laundry facility that is established or extensively renovated after the coming into force of these regulations, an employer shall ensure that the area where contaminated laundry is sorted is separated from the clean laundry area by one or more of the following:</p> <ul style="list-style-type: none"> (a) a physical barrier; (b) a negative air pressure system in the contaminated laundry area; (c) a positive air flow from the clean laundry area through the contaminated laundry area. 	<p>(2) At a laundry facility that is established or extensively renovated after the coming into force of these regulations, an employer shall ensure that the area where contaminated laundry is sorted is separated from the clean laundry area by one or more of the following:</p> <ul style="list-style-type: none"> (a) a physical barrier; (b) a negative air pressure system in the contaminated laundry area; (c) a positive air flow from the clean laundry area through the contaminated laundry area. 	
Selecting Needle-Safe Devices	Selecting Needle-Safe Devices	
473. (1) In this section and in section 474,	473. (1) In this section and in section 474,	

<p>"contaminated" means contaminated with</p> <ul style="list-style-type: none"> (a) human blood, (b) fluids containing visible amounts of human blood, or (c) any of the following potentially infectious human bodily fluids: <ul style="list-style-type: none"> (i) semen, (ii) vaginal secretions, (iii) cerebrospinal fluid, (iv) synovial fluid, (v) pleural fluid, (vi) pericardial fluid, (vii) peritoneal fluid, (viii) amniotic fluid, (ix) saliva, (x) breast milk, (xi) fluids from any unfixed tissue or organ, other than intact skin, from a human, living or dead, (xii) cell, tissue or organ cultures, or other solutions, that may contain a human blood-borne infectious organism, or (xiii) fluids from tissues of experimental animals infected with a blood-borne infectious organism from a human source; <p>"needles with engineered sharps injury protections" means hollow bore needles or devices with hollow bore needles that</p> <ul style="list-style-type: none"> (a) are commercially available, (b) are approved as medical devices by Health Canada, (c) have a built-in safety feature or 	<p>"contaminated" means contaminated with</p> <ul style="list-style-type: none"> (a) human blood, (b) fluids containing visible amounts of human blood, or (c) any of the following potentially infectious human bodily fluids: <ul style="list-style-type: none"> (i) semen, (ii) vaginal secretions, (iii) cerebrospinal fluid, (iv) synovial fluid, (v) pleural fluid, (vi) pericardial fluid, (vii) peritoneal fluid, (viii) amniotic fluid, (ix) saliva, (x) breast milk, (xi) fluids from any unfixed tissue or organ, other than intact skin, from a human, living or dead, (xii) cell, tissue or organ cultures, or other solutions, that may contain a human blood-borne infectious organism, or (xiii) fluids from tissues of experimental animals infected with a blood-borne infectious organism from a human source; <p>"needles with engineered sharps injury protections" means hollow bore needles or devices with hollow bore needles that</p> <ul style="list-style-type: none"> (a) are commercially available, (b) are approved as medical devices by Health Canada, (c) have a built-in safety feature or 	
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<p>mechanism that eliminates or minimizes the risk of a percutaneous injury, and</p> <p>(d) are used for purposes that include</p> <ul style="list-style-type: none"> (i) withdrawing bodily fluids, (ii) accessing a vein or artery, and (iii) administering medications or other fluids; <p>"needleless system" means a commercially available device approved as a medical device by Health Canada that replaces a hollow bore needle for use in</p> <ul style="list-style-type: none"> (a) the collection of bodily fluids, (b) the withdrawal of bodily fluids after initial venous or arterial access is established, (c) the administration of medication or fluids, or (d) any other procedure in which it is reasonably anticipated that a worker could incur a percutaneous injury with a contaminated hollow bore needle; <p>"percutaneous" means a route of entry that is through the skin or mucous membrane, and includes subcutaneous, intramuscular and intravascular routes of entry;</p> <p>"public health emergency" means</p> <ul style="list-style-type: none"> (a) an "emergency" as defined in section 1 of the <i>Civil Emergency Measures Act</i> or a "public welfare emergency" as defined in section 5 of the <i>Emergencies Act</i> (Canada) and which involves <ul style="list-style-type: none"> (i) an epidemic or pandemic 	<p>mechanism that eliminates or minimizes the risk of a percutaneous injury, and</p> <p>(d) are used for purposes that include</p> <ul style="list-style-type: none"> (i) withdrawing bodily fluids, (ii) accessing a vein or artery, and (iii) administering medications or other fluids; <p>"needleless system" means a commercially available device approved as a medical device by Health Canada that replaces a hollow bore needle for use in</p> <ul style="list-style-type: none"> (a) the collection of bodily fluids, (b) the withdrawal of bodily fluids after initial venous or arterial access is established, (c) the administration of medication or fluids, or (d) any other procedure in which it is reasonably anticipated that a worker could incur a percutaneous injury with a contaminated hollow bore needle; <p>"percutaneous" means a route of entry that is through the skin or mucous membrane, and includes subcutaneous, intramuscular and intravascular routes of entry;</p> <p>"public health emergency" means</p> <ul style="list-style-type: none"> (a) an "emergency" as defined in section 1 of the <i>Civil Emergency Measures Act</i> or a "public welfare emergency" as defined in section 5 of the <i>Emergencies Act</i> (Canada) and which involves <ul style="list-style-type: none"> (i) an epidemic or pandemic 	
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<p>disease, or (ii) a novel, highly fatal infectious agent or associated biological toxin; or (b) a declared state of public health emergency described in Part 5 of the <i>Public Health Act</i>.</p>	<p>disease, or (ii) a novel, highly fatal infectious agent or associated biological toxin; or (b) a declared state of public health emergency described in Part 5 of the <i>Public Health Act</i>.</p>	
<p>(2) This section and section 474 apply (a) to all health care facilities; (b) to a correctional centre as defined in section 1 of the <i>Corrections Act</i>, and (c) to a youth custody facility as defined in subsection 2(1) of the <i>Youth Criminal Justice Act</i> (Canada).</p>	<p>(2) This section and section 474 apply (a) to all health care facilities; (b) to a correctional centre as defined in section 1 of the <i>Corrections Act</i>, and (c) to a youth custody facility as defined in subsection 2(1) of the <i>Youth Criminal Justice Act</i> (Canada).</p>	
<p>(3) Subject to subsection (4), for tasks and procedures in which it is reasonably anticipated that a worker may incur a percutaneous injury from a contaminated hollow bore needle, the employer shall (a) identify, evaluate and select needles with engineered sharps injury protections or needleless systems, in consultation with the Committee, the occupational health and safety representative or, where there is no Committee or occupational health and safety representative, the workers; and (b) ensure that the needles with engineered sharps injury protections and needleless systems selected pursuant to paragraph (a) are used.</p>	<p>(3) Subject to subsection (4), for tasks and procedures in which it is reasonably anticipated that a worker may incur a percutaneous injury from a contaminated hollow bore needle, the employer shall (a) identify, evaluate and select needles with engineered sharps injury protections or needleless systems, in consultation with the Committee or representative; and (b) ensure that the needles with engineered sharps injury protections and needleless systems selected pursuant to paragraph (a) are used.</p>	<p><u>Stakeholders</u>: Suggest "(a) identify, evaluate and select needleless where possible". The HSS authorities all order from separate distributors making continuity difficult.</p> <p><u>Committee</u>: Purpose of these regulations is for worker safety. These regulations do not go into procurement.</p> <p><u>Stakeholders</u>: Needleless is sometimes hard to do for practical/logistical reasons.</p> <p><u>Committee</u>: Exceptions under subsection (4) deal with this.</p> <p><u>Stakeholders</u>: Some of our drugs are "give and go", they have to be needle. Some emergency drugs will not be manufactured needleless.</p> <p><u>Committee</u>: Exceptions under subsection (4) deal with this.</p> <p><u>Stakeholders</u>: Further discussion is required on</p>

		<p>the costs associated with:</p> <ul style="list-style-type: none"> - Needleless systems and engineered safety devices - Procurement <p><u>Committee:</u> Addressed above.</p> <p><u>Stakeholders:</u> Waste;</p> <p><u>Committee:</u> See s. 471.</p> <p><u>Stakeholders:</u> Implementation phasing; There are many systems on the market and how will these be integrated in all of the Health Authorities.</p> <p><u>Committee:</u> Up to employer.</p>
<p>(4) Subsection (3) does not apply</p> <ul style="list-style-type: none"> (a) if the employer can demonstrate that needles with engineered sharps injury protections or needleless systems pose an additional risk to the patient or worker; (b) to any biological or antibiotic product in an injection-ready needle device that is present in Northwest Territories on the day on which this section comes into force; (c) to any needles or needle devices that are obtained during a public health emergency for use in that emergency; (d) to needles or needle devices for use in a public health emergency that are stockpiled for use in a public health emergency and are present in the Northwest Territories on the day on which this section comes into 	<p>(4) Subsection (3) does not apply</p> <ul style="list-style-type: none"> (a) if the employer can demonstrate that needles with engineered sharps injury protections or needleless systems pose an additional risk to the patient or worker; (b) to any biological or antibiotic product in an injection-ready needle device that is present in Northwest Territories on the day on which this section comes into force; (c) to any needles or needle devices that are obtained during a public health emergency for use in that emergency; (d) to needles or needle devices for use in a public health emergency that are stockpiled for use in a public health emergency and are present in the Northwest Territories on the day on which this section comes into 	<p><u>Stakeholders:</u> Some emergency drugs will not be manufactured 'needleless' therefore should be exempted.</p> <p><u>Committee:</u> Covered in this subsection.</p> <p><u>Stakeholders:</u> not all emergency drugs are available in this form and we can't change that but attempts should be made to get safety syringes where they exist.</p> <p><u>Committee:</u> Agree.</p> <p><u>Stakeholders:</u> This needs to stay in legislation because one wrong needle stick could be a death sentence for a health care worker. It also impacts employment as regulatory bodies are going as far as not allowing infected workers to work in hospitals.....or even work with the public.</p> <p><u>Committee:</u> No comment.</p>

<p>force; or</p> <p>(e) if a needle with engineered sharps injury protections or a needleless system requires Health Canada’s approval for use in a national program, including blood collection and vaccination programs, until the day on which Health Canada approves a needle with engineered sharps injury protections or a needleless system for use in a national program.</p>	<p>force; or</p> <p>(e) if a needle with engineered sharps injury protections or a needleless system requires Health Canada’s approval for use in a national program, including blood collection and vaccination programs, until the day on which Health Canada approves a needle with engineered sharps injury protections or a needleless system for use in a national program.</p>	
<p>Injury Log</p>	<p>Injury Log</p>	
<p>474. (1) An employer shall maintain an injury log for all exposures involving a percutaneous injury with a sharp.</p>	<p>474. (1) An employer shall maintain an injury log for all exposures involving a percutaneous injury with a sharp.</p>	
<p>(2) Entries in the injury log maintained pursuant to subsection (1) must</p> <p>(a) protect the confidentiality of the exposed worker; and</p> <p>(b) contain at least the following information:</p> <p>(i) the type and brand of the device involved in the exposure incident;</p> <p>(ii) the department or work area in which the exposure occurred;</p> <p>(iii) an explanation of how the exposure occurred.</p>	<p>(2) Entries in the injury log maintained pursuant to subsection (1) must</p> <p>(a) protect the confidentiality of the exposed worker; and</p> <p>(b) contain at least the following information:</p> <p>(i) the type and brand of the device involved in the exposure incident;</p> <p>(ii) the department or work area in which the exposure occurred;</p> <p>(iii) an explanation of how the exposure occurred.</p>	
<p>Anaesthetic Gases</p>	<p>Anaesthetic Gases</p>	
<p>475. Where workers are required to handle or use anaesthetic gases and vapours or are likely to be exposed to anaesthetic gases and vapours, an employer shall</p> <p>(a) develop safe work practices and procedures to eliminate or reduce the concentration of anaesthetic</p>	<p>475. Where workers are required to handle or use anaesthetic gases and vapours or are likely to be exposed to anaesthetic gases and vapours, an employer shall</p> <p>(a) develop safe work practices and procedures to eliminate or reduce the concentration of anaesthetic</p>	

<p>gases and vapours in the air of the room during the administration of the anaesthetic gases;</p> <p>(b) train workers in the safe work practices and procedures developed pursuant to paragraph (a) and ensure that the workers use those safe work practices and procedures;</p> <p>(c) ensure that all anaesthetic gas hoses, connections, tubing, bags and associated equipment are inspected for leakage before each use and at least weekly;</p> <p>(d) ensure that any room where anaesthetic gases are administered is, where reasonably practicable, ventilated at a rate of 15 air changes per hour;</p> <p>(e) on or before handling or use, install an effective waste anaesthetic gas scavenging system to collect, remove and dispose of waste anaesthetic gases and vapours;</p> <p>(f) ensure that leakage from a waste anaesthetic gas scavenging system installed pursuant to paragraph (e) is less than 100 mL per minute when tested according to an approved standard; and</p> <p>(g) ensure that the waste anaesthetic gas scavenging system and the equipment used to administer anaesthetic gases are maintained.</p>	<p>gases and vapours in the air of the room during the administration of the anaesthetic gases;</p> <p>(b) train workers in the safe work practices and procedures developed pursuant to paragraph (a) and ensure that the workers use those safe work practices and procedures;</p> <p>(c) ensure that all anaesthetic gas hoses, connections, tubing, bags and associated equipment are inspected for leakage before each use and at least weekly;</p> <p>(d) ensure that any room where anaesthetic gases are administered is, where reasonably practicable, ventilated at a rate of 15 air changes per hour;</p> <p>(e) on or before handling or use, install an effective waste anaesthetic gas scavenging system to collect, remove and dispose of waste anaesthetic gases and vapours;</p> <p>(f) ensure that leakage from a waste anaesthetic gas scavenging system installed pursuant to paragraph (e) is less than 100 mL per minute when tested according to an approved standard; and</p> <p>(g) ensure that the waste anaesthetic gas scavenging system and the equipment used to administer anaesthetic gases are maintained.</p>	
<p>Ethylene Oxide Sterilizers</p>	<p>Ethylene Oxide Sterilizers</p>	
<p>476. (1) In this section, "CSA installation standard" means the Canadian Standards Association standard CAN/CSA-Z314.9-M89</p>	<p>476. (1) In this section, "CSA installation standard" means the Canadian Standards Association standard CAN/CSA-Z314.9-M89</p>	<p><u>Stakeholders:</u> We would like information on where these systems are being used.</p>

<p><i>Installation and Ventilation of Ethylene Oxide Sterilizers in Health Care Facilities, as amended from time to time.</i></p>	<p><i>Installation and Ventilation of Ethylene Oxide Sterilizers in Health Care Facilities, as amended from time to time.</i></p>	<p><u>Committee:</u> We have no information one way or another that these devices are used in the NT or NU. They have been used historically though and that is supported by the existence of a current CSA standard cited in this subsection. We also know that at item 17 in new Schedule B.1 exposure to this organic chemical will result in a spontaneous abortion. The chemical is also a designated chemical in Schedule R and there are contamination limits set out in Schedule S. Ethylene oxide is a known carcinogen. If such sterilizers are not used in the NT or NU, then this section should not be of great concern. Furthermore even if no such sterilizers are used, this section is being retained as these sterilizers may be used in other settings in the North or used in the future.</p> <p><u>Stakeholders:</u> Also, are other safety issues around sterilizers in health care facilities intended to be covered in other areas of the document?</p> <p><u>Committee:</u> Ethylene oxide gas is of particularly high risk, and that other types of sterilisers involve much lower risk of injury to workers using them. That said other sections of these regulations may apply including contamination limits, depending on how the sterilization is done (i.e. if with chemicals, what chemicals).</p>
<p>(2) An employer shall ensure, to the extent that is practicable, that all ethylene oxide sterilizers at a work site are operated and maintained in accordance with the CSA installation standard.</p>	<p>(2) An employer shall ensure, to the extent that is practicable, that all ethylene oxide sterilizers at a work site are operated and maintained in accordance with the CSA installation standard.</p>	
<p>(3) An employer, in consultation with the Committee, occupational health and safety</p>	<p>(3) An employer, in consultation with the Committee or representative or workers, shall</p>	

<p>representative or workers, shall develop</p> <ul style="list-style-type: none"> (a) safe work practices and policies that meet the requirements of the CSA installation standard; and (b) an emergency response program to detect, control and respond to any leak or spill of ethylene oxide that meets the requirements of the CSA installation standard. 	<p>develop</p> <ul style="list-style-type: none"> (a) safe work practices and policies that meet the requirements of the CSA installation standard; and (b) an emergency response program to detect, control and respond to any leak or spill of ethylene oxide that meets the requirements of the CSA installation standard. 	
<p>(4) An employer shall</p> <ul style="list-style-type: none"> (a) implement the safe work practices and policies and the emergency response program developed pursuant to subsection (3); and (b) ensure that workers who operate ethylene oxide sterilizers and workers who may come into contact with ethylene oxide <ul style="list-style-type: none"> (i) are trained in accordance with the CSA installation standard, and (ii) follow the safe work practices and policies and the emergency response program developed pursuant to subsection (3). 	<p>(4) An employer shall</p> <ul style="list-style-type: none"> (a) implement the safe work practices and policies and the emergency response program developed pursuant to subsection (3); and (b) ensure that workers who operate ethylene oxide sterilizers and workers who may come into contact with ethylene oxide <ul style="list-style-type: none"> (i) are trained in accordance with the CSA installation standard, and (ii) follow the safe work practices and policies and the emergency response program developed pursuant to subsection (3). 	
<p>(5) An employer shall ensure that all areas where ethylene oxide is used or stored are posted with clearly legible signs that state "Ethylene Oxide Area, Potential Cancer and Reproductive Hazard, Authorized Personnel Only".</p>	<p>(5) An employer shall ensure that all areas where ethylene oxide is used or stored are posted with clearly legible signs that state "Ethylene Oxide Area, Potential Cancer and Reproductive Hazard, Authorized Personnel Only".</p>	<p><u>Stakeholders</u>: should include fact that this is highly flammable</p> <p><u>Committee</u>: Part 22 (WHMIS) and Part 26 (Fire and Explosion Hazards) will apply. The special concern here is the cancer and reproductive hazards.</p>
<p>(6) An employer shall ensure that all records of equipment maintenance and accidental ethylene oxide leakages are kept for five years in a log book located in the ethylene oxide sterilization area.</p>	<p>(6) An employer shall ensure that all records of equipment maintenance and accidental ethylene oxide leakages are kept for five years in a log book located in the ethylene oxide sterilization area.</p>	<p><u>Stakeholders</u>: according to the MSDS highly flammable and explosive electrical equipment must be non sparking or explosion proof therefore the room and exhaust system would have comply with explosion proof requirements</p>

		<u>Committee</u> : Again the special risk here is not flammability but contamination and the consequential cancer or reproductive hazards.
<p>(7) An employer shall ensure that an ethylene oxide sterilizer purchased after the coming into force of these regulations</p> <ul style="list-style-type: none"> (a) is constructed in accordance with the Canadian Standards Association standard CAN/CSA-Z314.1-M91 <i>Ethylene Oxide Sterilizers for Hospitals</i>, as amended from time to time; (b) is installed in accordance with and meets the ventilation requirements of the CSA installation standard; and (c) where reasonably practicable, is a sterilizer with in-chamber aeration that allows sterilization and aeration to take place without manually transferring the items that are being sterilized and aerated from one piece of equipment to another. 	<p>(7) An employer shall ensure that an ethylene oxide sterilizer purchased after the coming into force of these regulations</p> <ul style="list-style-type: none"> (a) is constructed in accordance with the Canadian Standards Association standard CAN/CSA-Z314.1-M91 <i>Ethylene Oxide Sterilizers for Hospitals</i>, as amended from time to time; (b) is installed in accordance with and meets the ventilation requirements of the CSA installation standard; and (c) where reasonably practicable, is a sterilizer with in-chamber aeration that allows sterilization and aeration to take place without manually transferring the items that are being sterilized and aerated from one piece of equipment to another. 	
<p>(8) An employer shall ensure that portable ethylene oxide sterilizers are operated in a fume cabinet or placed in a self-contained room that is unoccupied during the sterilization process and is ventilated clear of the work site at a minimum rate of 10 air changes per hour to prevent the accumulation of the gas in the room.</p>	<p>(8) An employer shall ensure that portable ethylene oxide sterilizers are operated in a fume cabinet or placed in a self-contained room that is unoccupied during the sterilization process and is ventilated clear of the work site at a minimum rate of 10 air changes per hour to prevent the accumulation of the gas in the room.</p>	
Review of Programs	Review of Programs	
<p>477. An employer, in consultation with the Committee, occupational health and safety representative or workers, shall ensure that all programs, training, work practices, procedures and policies developed pursuant to this Part are reviewed and, where necessary, revised at least</p>	<p>477. An employer, in consultation with the Committee or representative or workers, shall ensure that all programs, training, work practices, procedures and policies developed pursuant to this Part are reviewed and, where necessary, revised at least every three years and</p>	

every three years and whenever there is a change of circumstances that may affect the health or safety of workers.	whenever there is a change of circumstances that may affect the health or safety of workers.	
PART 32 ADDITIONAL PROTECTION FOR FIREFIGHTERS	PART 32 ADDITIONAL PROTECTION FOR FIREFIGHTERS	<p><u>Stakeholders:</u> The requirements for fire fighters is clearly defined by the National Fire Protection Association (NFPA) whose standards have been widely accepted; why is it necessary to reprint selected sections from the NFPA if sections not contained in this regulation must still be adhered to; if NFPA is amended without timely amendment of this document, which document will take precedence?</p> <p><u>Committee:</u> See the general comments concerning the adoption of standards in Part 2.</p>
Interpretation	Interpretation	
478. In this Part,	478. In this Part,	
"emergency incident" means the circumstances giving rise to specific emergency operations;	"emergency incident" means the circumstances giving rise to specific emergency operations;	
"emergency medical care" means the provision of ambulance services or treatment to patients, including first aid, cardiopulmonary resuscitation, basic life support, advanced life support and other medical procedures that occur before arriving at a hospital or other health care facility;	"emergency medical care" means the provision of ambulance services or treatment to patients, including first aid, cardiopulmonary resuscitation, basic life support, advanced life support and other medical procedures that occur before arriving at a hospital or other health care facility;	
"emergency operation" means the activities relating to rescue, fire suppression, emergency medical care and special operations, and includes the response to the scene of an incident and all functions performed at the scene;	"emergency operation" means the activities relating to rescue, fire suppression, emergency medical care and special operations, and includes the response to the scene of an incident and all functions performed at the scene;	
"evolution" means a set of standard operating procedures that results in an effective response to an emergency incident;	"evolution" means a set of standard operating procedures that results in an effective response to an emergency incident;	
"firefighter" means a worker whose duties include: (a) emergency operations, fire	"firefighter" means a worker whose duties include: (a) emergency operations, fire	

inspection and fire investigation, or (b) training for the activities mentioned in paragraph (a);	inspection and fire investigation, or (b) training for the activities mentioned in paragraph (a);	
"firefighting vehicle" means a specialized vehicle that carries an assortment of tools and equipment for use by firefighters in emergency operations;	"firefighting vehicle" means a specialized vehicle that carries an assortment of tools and equipment for use by firefighters in emergency operations;	
	"Fire Marshal" means the Fire Marshal as defined in section 1 of the <i>Fire Prevention Act</i> ;;	<u>Committee</u> : Added.
"fire suppression" means the activities involved in controlling and extinguishing fires, including all activities performed at the scene of a fire incident or training exercise that expose firefighters to the dangers of heat, flame, smoke and other products of combustion, explosion, or structural collapse;	"fire suppression" means the activities involved in controlling and extinguishing fires, including all activities performed at the scene of a fire incident or training exercise that expose firefighters to the dangers of heat, flame, smoke and other products of combustion, explosion, or structural collapse;	
"rescue" means activities directed at locating endangered persons at an emergency incident and removing those persons from danger, and includes treating the injured;	"rescue" means activities directed at locating endangered persons at an emergency incident and removing those persons from danger, and includes treating the injured;	
"special operations" means emergency incidents to which firefighters respond that require specific and advanced training and specialized tools and equipment, and includes water rescue, confined space entry, high-angle rescue and incidents involving hazardous materials;	"special operations" means emergency incidents to which firefighters respond that require specific and advanced training and specialized tools and equipment, and includes water rescue, confined space entry, high-angle rescue and incidents involving hazardous materials;	
"standard operating procedure" means an operational directive prepared by an employer that establishes a standard course of action for the emergency incidents to which a firefighter is required to respond;	"standard operating procedure" means an operational directive prepared by an employer that establishes a standard course of action for the emergency incidents to which a firefighter is required to respond;	
"structural firefighting" means the activities of rescue, fire suppression and property conservation involving buildings, enclosed structures, vehicles, vessels, aircraft or other large objects that are involved in a fire or emergency incident.	"structural firefighting" means the activities of rescue, fire suppression and property conservation involving buildings, enclosed structures, vehicles, vessels, aircraft or other large objects that are involved in a fire or emergency incident.	

Application of Part	Application of Part	
479. This Part applies to fire fighters who are engaged in emergency operations or in training.	479. (1) This Part applies to fire fighters who are engaged in emergency operations or in training.	
	(2) The Chief Safety Officer may, on the application of a Fire Marshal, exempt a volunteer fire department from being required to comply with any provision of this Part.	<u>Committee:</u> The intent here is allow an exemption but that exemption is still at the discretion of the CSO and involves the Fire Marshal. Where an exemption is given it must be re-applied for each year.
	(3) Where an exemption is given under subsection (2), it shall expire one year after the exemption is given.	
Plan for Response to Emergency Incident	Plan for Response to Emergency Incident	
480. (1) An employer, in consultation with the Committee, occupational health and safety representative or workers, shall develop a written plan that establishes the procedures to be followed by firefighters in response to an emergency incident.	480. (1) An employer, in consultation with the Committee or representative or workers, shall develop a written plan that establishes the procedures to be followed by firefighters in response to an emergency incident.	<p><u>Stakeholders:</u> This regulation is asking the employer in consultation with a Committee, occupational health and safety representative or workers to develop written plans (guidelines) for firefighter to follow when responding to emergency incidents. Due to the fact we never know what kind of emergency we are going to respond to it is hard to determine what vehicles will be required how many firefighters will be needed until we assess the information we initially receive from the caller and what we see when we arrive on scene and conduct a scene assessment. To write plans (guidelines) ahead of time for some very basic types of responses make sense, but there is no real why to know all the different types of emergencies we could be faced with? Subsections (a) (b) (c) (d) and (e) under section 2 I will require some clarification on. Could WSCC provide me with information that other jurisdictions might be using so I have some sort of template to work from for “Plan For Response to Emergency Incident”?</p> <p><u>Committee:</u> At s. 4(6) of Yellowknife Bylaw No. 4502, there is a requirement for SOGs and SOPs.</p>

		<p>The plan (or SOPs or SOGs) is a basic plan and it develops as emergencies are encountered and become known. The comment presupposes too much detail in the plan - the first priority of plan is to identify things that need to be known. The basic plan can evolve into a more complex plan as the needs dictate.</p> <p><u>Stakeholders:</u> The requirements are not deemed practical for a volunteer fire department. The development of SOP/SOG's for normal operation is already a requirement. The section is very confusing. Requirement for incident management system and personnel accountability systems is good but not consistent with the rest of the section.</p> <p><u>Committee:</u> See revision to s. 479.</p>
<p>(2) A plan required by subsection (1) must include</p> <ul style="list-style-type: none"> (a) identification of standard firefighting functions or evolutions, including functions or evolutions that must be performed simultaneously; (b) the minimum number of firefighters required to perform safely each identified firefighting function or evolution, based on written standard operating procedures; (c) the number and types of firefighting vehicles and firefighters required for the initial response to each type of emergency incident to which the firefighters will be expected to respond; (d) the total complement of firefighting vehicles and firefighters to be dispatched for each type of 	<p>(2) A plan required by subsection (1) must include</p> <ul style="list-style-type: none"> (a) identification of standard firefighting functions or evolutions, including functions or evolutions that must be performed simultaneously; (b) the minimum number of firefighters required to perform safely each identified firefighting function or evolution, based on written standard operating procedures; (c) the number and types of firefighting vehicles and firefighters required for the initial response to each type of emergency incident to which the firefighters will be expected to respond; (d) the total complement of firefighting vehicles and firefighters to be dispatched for each type of 	

<p>emergency incident;</p> <p>(e) a description of a typical emergency operations, including alarm time, response time, arrival sequence, responsibility for initiating standard operating procedures necessary to protect the health and safety of firefighters;</p> <p>(f) an incident management system; and</p> <p>(g) a personnel accountability system.</p>	<p>emergency incident;</p> <p>(e) a description of a typical emergency operations, including alarm time, response time, arrival sequence, responsibility for initiating standard operating procedures necessary to protect the health and safety of firefighters;</p> <p>(f) an incident management system; and</p> <p>(g) a personnel accountability system.</p>	
<p>(3) An employer shall</p> <p>(a) ensure that the plan developed pursuant to subsection (1) is implemented; and</p> <p>(b) make a copy of the plan readily available for reference by firefighters.</p>	<p>(3) An employer shall</p> <p>(a) ensure that the plan developed pursuant to subsection (1) is implemented; and</p> <p>(b) make a copy of the plan readily available for reference by firefighters.</p>	
<p>Training of Firefighters</p>	<p>Training of Firefighters</p>	
<p>481. (1) An employer shall ensure that</p> <p>(a) all firefighters receive the training necessary to ensure that the firefighter is able to carry out safely any emergency operations that the firefighter will be expected to carry out;</p> <p>(b) the training required by paragraph (a) is provided by competent persons; and</p> <p>(c) a written record is kept of all training delivered to firefighters pursuant to this Part.</p>	<p>481. (1) An employer shall ensure that</p> <p>(a) all firefighters receive the training necessary to ensure that the firefighter is able to carry out safely any emergency operations that the firefighter will be expected to carry out;</p> <p>(b) the training required by paragraph (a) is provided by competent persons; and</p> <p>(c) a written record is kept of all training delivered to firefighters pursuant to this Part.</p>	
<p>(2) An employer shall ensure that every firefighting vehicle is operated by a competent operator.</p>	<p>(2) An employer shall ensure that every firefighting vehicle is operated by a competent operator.</p>	
<p>General Standards for Vehicles and Equipment</p>	<p>General Standards for Vehicles and Equipment</p>	
<p>482. An employer shall ensure that all firefighting</p>	<p>482. An employer shall ensure that all firefighting</p>	

vehicles and all equipment for use in emergency operations are designed, constructed, operated, maintained, inspected and repaired so as to protect adequately the health and safety of firefighters.	vehicles and all equipment for use in emergency operations are designed, constructed, operated, maintained, inspected and repaired so as to protect adequately the health and safety of firefighters.	
Securing of Equipment in Vehicles	Securing of Equipment in Vehicles	
483.Where equipment or personal protective equipment is carried within a seating area of a firefighting vehicle, an employer shall ensure that (a) the items of equipment are secured (i) by a positive mechanical means of holding the item in a stowed position, or (ii) in a compartment with a positive latching door; and (b) the compartment referred to in subparagraph (a)(ii) is designed to minimize injury to firefighters in the seating area of the vehicle.	483.Where equipment or personal protective equipment is carried within a seating area of a firefighting vehicle, an employer shall ensure that (a) the items of equipment are secured (i) by a positive mechanical means of holding the item in a stowed position, or (ii) in a compartment with a positive latching door; and (b) the compartment referred to in subparagraph (a)(ii) is designed to minimize injury to firefighters in the seating area of the vehicle.	<u>Stakeholders</u> : The section appears to require that all seating areas have latched doors; this means in many of NT small communities with older apparatus there be a maximum of two on the fire pumpers as the open jump seats will no longer be useable as they do not have doors. <u>Committee</u> : This section requires that equipment or PPE carried within a seating area is secured by positive mechanical means (e.g. tied down) or by being stowed in a compartment with a door that catches and does not swing open.
Inspection of Firefighting Vehicles and Equipment	Inspection of Firefighting Vehicles and Equipment	
484.An employer shall ensure that (a) all firefighting vehicles and firefighting equipment are inspected by a competent person for defects and unsafe conditions as often as is necessary to ensure that the vehicles and equipment are capable of safe operation; (b) where a defect or unsafe condition that may create a hazard to a firefighter is identified in a firefighting vehicle or firefighting equipment (i) steps are taken immediately to protect the health and safety of any firefighter who may be at risk until the defect is repaired	484.An employer shall ensure that (a) all firefighting vehicles and firefighting equipment are inspected by a competent person for defects and unsafe conditions as often as is necessary to ensure that the vehicles and equipment are capable of safe operation; (b) where a defect or unsafe condition that may create a hazard to a firefighter is identified in a firefighting vehicle or firefighting equipment (i) steps are taken immediately to protect the health and safety of any firefighter who may be at risk until the defect is	<u>Stakeholders</u> : This section concentrates on the Motor Vehicle and chassis aspect of the equipment and not the Fire Fighting elements. If pumps, powered ladders, etc are not also inspected, a failure on the fire ground places the fire fighters at risk. <u>Committee</u> : Section 484 states this.

<p>or the unsafe condition is corrected, and</p> <p>(ii) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected; and</p> <p>(c) a written record</p> <p>(i) is kept of all inspections carried out pursuant to paragraph (a),</p> <p>(ii) is signed by the competent person who performs the inspection, and</p> <p>(iii) is kept at the work site and is made readily available to the Committee, the occupational health and safety representative and the firefighters.</p>	<p>repaired or the unsafe condition is corrected, and</p> <p>(ii) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected; and</p> <p>(c) a written record</p> <p>(i) is kept of all inspections carried out pursuant to paragraph (a),</p> <p>(ii) is signed by the competent person who performs the inspection, and</p> <p>(iii) is kept at the work site and is made readily available to the Committee or representative and the firefighters.</p>	
<p>Repair of Firefighting Vehicles</p>	<p>Repair of Firefighting Vehicles</p>	
<p>485. An employer shall ensure that</p> <p>(a) all repairs to firefighting vehicles of defects or unsafe conditions that may put at risk the health or safety of firefighters are made in accordance with the vehicle manufacturer’s instructions and by qualified persons experienced with the type of vehicle or the type of work to be performed; and</p> <p>(b) a written record</p> <p>(i) is kept of all repairs made to a firefighting vehicle, and</p> <p>(ii) is kept at the work site and is made readily available to the Committee, the occupational health and safety representative and the</p>	<p>485. An employer shall ensure that</p> <p>(a) all repairs to firefighting vehicles of defects or unsafe conditions that may put at risk the health or safety of firefighters are made in accordance with the vehicle manufacturer’s instructions and by qualified persons experienced with the type of vehicle or the type of work to be performed; and</p> <p>(b) a written record</p> <p>(i) is kept of all repairs made to a firefighting vehicle, and</p> <p>(ii) is kept at the work site and is made readily available to the Committee or representative and the firefighters.</p>	<p><u>Stakeholders</u>: so why only fire fighting vehicles applies to all vehicles</p> <p><u>Committee</u>: This section deals with firefighting vehicles not all vehicles. There are requirements in Part 11 (PME) and section 174.</p>

firefighters.		
Transportation of Firefighters	Transportation of Firefighters	
<p>486. (1) Subject to subsection (3), an employer shall ensure that</p> <ul style="list-style-type: none"> (a) all firefighting vehicles are provided with safe crew accommodations within the body of the vehicle and are equipped with properly secured seats and seat belts; (b) while a firefighting vehicle is transporting firefighters, every firefighter is seated and uses a seat belt when the vehicle is in motion; and (c) no firefighter rides on the tailstep, side steps, running boards or in any other exposed position on a firefighting vehicle. 	<p>486. (1) Subject to subsection (3), an employer shall ensure that</p> <ul style="list-style-type: none"> (a) all firefighting vehicles are provided with safe crew accommodations within the body of the vehicle and are equipped with properly secured seats and seat belts; (b) while a firefighting vehicle is transporting firefighters, every firefighter is seated and uses a seat belt when the vehicle is in motion; and (c) no firefighter rides on the tailstep, side steps, running boards or in any other exposed position on a firefighting vehicle. 	
<p>(2) Where there is an insufficient number of seats available for the number of firefighters who are assigned to or expected to ride on a firefighting vehicle, an employer shall ensure that there is a safe alternate means of transportation for those firefighters.</p>	<p>(2) Where there is an insufficient number of seats available for the number of firefighters who are assigned to or expected to ride on a firefighting vehicle, an employer shall ensure that there is a safe alternate means of transportation for those firefighters.</p>	
<p>(3) Paragraphs (1)(b) and (c) do not apply where a firefighter is fighting a forest, prairie, grassland or crop fire, and the employer ensures that</p> <ul style="list-style-type: none"> (a) a restraining device is used to prevent the firefighter from falling from the firefighting vehicle; (b) an effective means of communication between the firefighter and the operator of the firefighting vehicle is provided; and (c) a firefighter does not operate the firefighting vehicle at a speed that 	<p>(3) Paragraphs (1)(b) and (c) do not apply where a firefighter is fighting a forest, prairie, grassland or crop fire, and the employer ensures that</p> <ul style="list-style-type: none"> (a) a restraining device is used to prevent the firefighter from falling from the firefighting vehicle; (b) an effective means of communication between the firefighter and the operator of the firefighting vehicle is provided; and (c) a firefighter does not operate the firefighting vehicle at a speed that 	<p><u>Stakeholders:</u> re: para (a) check garbage trucks</p> <p><u>Committee:</u> Garbage trucks are not firefighting vehicles.</p>

exceeds 20 km/h.	exceeds 20 km/h.	
Personal Protective Equipment	Personal Protective Equipment	
487.An employer shall provide to a firefighter who engages in or is exposed to the hazards of emergency operations, and ensure that the firefighter uses approved personal protective equipment, that is appropriate to the nature of the risk to which the firefighter will be exposed and that is adequate to protect the health and safety of the firefighter.	487.An employer shall provide to a firefighter who engages in or is exposed to the hazards of emergency operations, and ensure that the firefighter uses approved personal protective equipment, that is appropriate to the nature of the risk to which the firefighter will be exposed and that is adequate to protect the health and safety of the firefighter.	<p><u>Stakeholders:</u> Vague language subject to different interpretations. This area should be managed by the adoption of NFPA 1971, a best practices standard that provides sufficient guidance and is maintained current by an external agency.</p> <p><u>Committee:</u> There is a global definition of approved in section 1. NFPA 1971 is adopted by s. 2(1)(h) of the <i>Fire Prevention Regulations</i>. The Safety Act has jurisdiction over workers. The Fire Prevention Act has some degree of jurisdiction over the safety of firefighters in terms of what standards concerning PPE are adopted under that Act. The two legislative regimes work in a complementary fashion. NFPA 1971 should be adopted in a code of practice issued by the CSO under the <i>Safety Act</i>.</p> <p>The language is not vague, but very specific and it works with Part 7 (PPE) . "Approved PPE" is the correct term since "approved" has a global meaning set out in s. 1.</p>
	Interior Structural Firefighting	
488.Where firefighters are required or permitted to engage in interior structural firefighting, an employer shall ensure that (a) the firefighters work in teams; and (b) a suitably equipped rescue team is readily available outside the structure to rescue an endangered firefighter if the firefighter’s SCBA fails or the firefighter becomes incapacitated for any other reason.	488. (1) In this section, "incipient stage fire" means a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus; "Interior structural fire fighting" means the physical activity of fire suppression, rescue or	<p><u>Stakeholders:</u> There is no definition for interior structural fire fighting. A Rapid Intervention Team (RIT) team is needed for involved structures but based on how this is written it would apply to every minor fire event. In small communities with limited manpower it will restrict the fire fighter from entering to remove minor incidents such as a smoking pot from the stove, or putting out a smoking/smouldering item; NFPA may clarify this issue.</p>

	<p>both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.</p>	<p><u>Committee</u>: Agreed. Definitions are added.</p> <p><u>Stakeholders</u>: where firefighters are required or permitted to engage in interior structural firefighting" if airport fire fighters are permitted to engage in responses to structural fires on the airport, as is current practice, minimum staffing and mutual aid response arrangements with the YKFD will need to be changed. In some instances currently, airport fire fighters may be tasked with working alone for periods of time.</p> <p><u>Committee</u>: Codes of practice will deal with this and set out procedures determined by the stakeholders (Fire Marshal, fire departments etc.).</p>
	<p>(2) Where firefighters are required or permitted to engage in interior structural firefighting, an employer shall ensure that</p> <ul style="list-style-type: none"> (a) the firefighters work in teams; and (b) a suitably equipped rescue team is readily available outside the structure to rescue an endangered firefighter if the firefighter’s SCBA fails or the firefighter becomes incapacitated for any other reason. 	<p><u>Stakeholders</u>: Re: paragraph 488(b) define "readily available", a previous draft of this regulation described this requirement as having confirmation that additional personnel were enroute to the incident.</p> <p><u>Committee</u>: "Readily available" must be interpreted with its ordinary meaning, if it is not defined. If the team is required but not on site, a delay of 5 mins to get to the scene might still meet the requirement of being "readily available", depending on the situation. A team at the site that requires 30 mins to deploy, is probably not "readily available". The test of whether or not a team is "readily available" is something that is being left for determination on the facts of the particular case.</p>
<p>Personal Alert Safety System</p>	<p>Personal Alert Safety System</p>	
<p>489. (1) An employer shall provide each firefighter who enters a structure during firefighting with an approved personal alarm</p>	<p>489. (1) An employer shall provide each firefighter who enters a structure during firefighting with an approved personal alarm</p>	

safety system device and ensure that the firefighter uses the device.	safety system device and ensure that the firefighter uses the device.	
(2) An employer shall ensure that each personal alarm safety system device is tested at least monthly and before each use, and maintained in accordance with the manufacturer’s instructions.	(2) An employer shall ensure that each personal alarm safety system device is tested at least monthly and before each use, and maintained in accordance with the manufacturer’s instructions.	<u>Stakeholders:</u> where there is a fatality will need a record of the monthly test for the unit. <u>Committee:</u> There is no need for this in the regulation. There is already a statutory requirement to provide records to a safety officer under s. 9 of the Act and that power is much broader.
Safety Ropes, Harnesses and Hardware	Safety Ropes, Harnesses and Hardware	
490.An employer shall provide for use by a firefighter approved safety ropes, harnesses and hardware that are appropriate to the nature of the risk to which the firefighter will be exposed and adequate to protect the health and safety of the firefighter, and ensure that the firefighter uses them.	490.An employer shall provide for use by a firefighter approved safety ropes, harnesses and hardware that are appropriate to the nature of the risk to which the firefighter will be exposed and adequate to protect the health and safety of the firefighter, and ensure that the firefighter uses them.	
PART 33 TRANSITIONAL	PART 33 TRANSITIONAL	
491. These regulations come into force on September 1, 2013.	491. These regulations come into force on September 1, 2013.	
Repeal	Repeal	
492. The following are repealed: (a) the <i>Asbestos Safety Regulations</i> , established by regulation numbered R-016-92; (b) the <i>Environmental Tobacco Smoke Work site Regulations</i> , established by regulation numbered R-082-2003; (c) the <i>General Safety Regulations</i> , R.R.N.W.T. 1990,c.S-1; (d) the <i>Safety Forms Regulations</i> , established by regulation numbered R-102-91; (e) the <i>Silica Sandblasting Safety</i>	492. The following are repealed: (a) the <i>Asbestos Safety Regulations</i> , established by regulation numbered R-016-92; (b) the <i>Environmental Tobacco Smoke Work site Regulations</i> , established by regulation numbered R-082-2003; (c) the <i>General Safety Regulations</i> , R.R.N.W.T. 1990,c.S-1; (d) the <i>Safety Forms Regulations</i> , established by regulation numbered R-102-91; (e) the <i>Silica Sandblasting Safety</i>	

<p><i>Regulations, established by regulation numbered R-015-92;</i> (f) <i>Work Site Hazardous Materials Information System Regulations, R.R.N.W.T. 1990,c.S-2.</i></p>	<p><i>Regulations, established by regulation numbered R-015-92;</i> (f) <i>Work Site Hazardous Materials Information System Regulations, R.R.N.W.T. 1990,c.S-2.</i></p>	
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Schedules

SCHEDULE A

(Section 1)

Activities that Constitute High Hazard Work

1. Building construction
2. Power line construction and maintenance
3. Quarrying and crushing of rocks
4. Local and territorial transporting and hauling
5. Road construction, earthwork, tunnelling and trenching
6. Iron and steel processing, fabrication and erection
7. Logging
8. Manufacturing of concrete block, brick, artificial stone and other clay and cement products
9. Sawmilling.

Committee: In the June 2010 consultation draft, the list read:

1. Cnstruction
2. Exploration drilling, shaft sinking, quarrying and crushing of rocks
3. High risk asbestos processes
4. Iron and steel processing and fabrication
5. Isolated work in extremely cold weather
6. Local and territorial hauling and trucking
7. Logging
8. Manufacturing of concrete block, brick, artificial stone and other clay and cement products
9. Power line construction and maintenance
10. Road construction, earthwork, tunnelling and trenching
11. Sawmilling
12. Water well drilling and servicing

Stakeholder: suggest adding tunnelling, erection of steel, heli-logging, phone line and cable construction

Committee: Tunnelling is included in item 5. Erection is added in item 6. Phone and cable are federal.

Stakeholder: seeks clarification that an exemption can be obtained from the power line construction and maintenance section for electrical utility industry. Stakeholder cannot complete works on a thirty day delay as many of the works are either emergency repairs or regular maintenance that if not done will result in future outages and emergency situations arising.

Stakeholder: strongly recommend a closer and more refined examination and articulation on what constitutes high hazard work. This definition and related work categories are simply too broad as they encompass essentially all the work of the stakeholder. WSCC should work with the appropriate subject matter experts within the GNWT and other key stakeholders to "breakout and categorize" the work categories currently set out in Schedule A

(Activities that Constitute High Hazard Work). For example, it is not appropriate to categorize work on an Access Road having a speed limit of 40-50 km/h is the same high risk Road Construction category as work being done on a highway with a speed limit of 80-100km/h. Further, it is not appropriate to deem painting high hazard work within the construction category unless the worker requires scaffolding or is assigned to use a spray unit. The Regulations should enable and allow for the categorization of the work within each of the broad Schedule A work categories.

Stakeholder: There are many types of construction, some more hazardous than others. It seems overly broad and simplistic to classify minor interior renovations the same as high height iron work, when the risks are significantly different...How is 'trucking and hauling', whether local or territorial, high hazard work?

Committee: Agree. See section 7 revisions. Utilities exemption see s. 447(3).

SCHEDULE B

(Subsection 7(2) and sections 366 and 379)

Asbestos Processes

Part A - High Risk Asbestos Processes

1. The removal, encapsulation, enclosure or disturbance of anything but minor amounts of friable asbestos-containing material during the repair, alteration, maintenance, demolition, or dismantling of any part of a plant.
2. The cleaning, maintenance or removal of air-handling equipment in buildings where sprayed fireproofing asbestos-containing materials have been applied to the airways or ventilation ducts.
3. The dismantling or the major alteration or repair of a boiler, furnace, kiln or similar device, or part of a boiler, furnace, kiln or similar device, that is made of asbestos-containing materials
4. The use of power tools not equipped with HEPA filtration to grind, cut or abrade any asbestos-containing surface or product.

Part B - Moderate Risk Asbestos Processes

1. The use of a power tool equipped with HEPA filtration to cut, shape or grind any asbestos-containing surface or product.
2. The removal of a false ceiling or part of a false ceiling where friable asbestos-containing material is, or is likely to be, lying on the surface of the false ceiling.
3. The removal, the encapsulation or enclosure or the disturbance of minor amounts of friable asbestos-containing material during the repair, alteration, maintenance, demolition, or dismantling of a structure, machine or equipment or part of a structure, machine or equipment.

Part C - Low Risk Asbestos Processes

1. The installation or removal of manufactured asbestos-containing products where sanding, cutting or similar disturbance is not required.
2. The use of hand tools to cut, shape, drill or remove a manufactured asbestos-containing product.
3. The removal of drywall material where asbestos joint filling compounds have been used.
4. The use of personal protective equipment made of asbestos-containing textiles.
5. The transporting or handling of asbestos-containing materials in sealed containers.
6. The cleaning or disposing of minor amounts of asbestos debris that has come loose or fallen from a friable surface.

7. The removal of small samples of asbestos-containing material for the purpose of identification.

SCHEDULE B.1

(Subsection 10(2))

Notifiable Medical Conditions Resulting from Occupational Exposure

1. Acute, sub-acute or chronic disease of an organ resulting from exposure to lead, arsenic, beryllium, phosphorus, manganese, cadmium or mercury or their compounds or alloys
2. Neoplasia of the skin or mucous membrane resulting from exposure to tar, pitch, bitumen, mineral or cutting oils or arsenic or their compounds, products or residue
3. Neoplasia of the renal tract in a worker employed in rubber compounding, in dyestuff manufacture or mixing or in a laboratory
4. Pneumoconiosis resulting from exposure to silica or silicate, including asbestos, talc, mica or coal
5. Toxic jaundice resulting from exposure to tetrachloroethane or nitro- or amidoderivatives of benzene or other hepato-toxic or haemato-toxic substances
6. Neoplasia or any form of sickness resulting from internal or external exposure to ionizing radiation or electro-magnetic radiation
7. Poisoning by the anti-cholinesterase action of an organophosphorous or carbamate compound
8. Any form of decompression illness
9. Toxic anaemia resulting from exposure to trinitrotoluene, or any other haematogenic poison, including chronic poisoning by benzene
10. Mesothelioma of the pleura or peritoneum
11. Angiosarcoma of the liver
12. Malignant neoplasm of the nasal cavities resulting from exposure to chromium or its compounds, wood dust or formaldehyde
13. Malignant neoplasm of the scrotum resulting from exposure to petroleum products
14. Malignant neoplasm of lymphatic or haematopoietic tissue resulting from exposure to benzene
15. Cataract resulting from exposure to ionizing radiation, electro-magnetic radiation or nitrophenols
16. Male infertility resulting from exposure to glycol ethers, lead or pesticides
17. Spontaneous abortion resulting from exposure to ethylene oxide or antineoplastic drugs

18. Inflammatory and toxic neuropathy resulting from exposure to organic solvents
19. Asthma resulting from exposure to isocyanates, red cedar, amines, acid anhydride, epoxy resin systems, reactive dyes, metal fumes or salts, enzymes or bisulphites
20. Extrinsic allergic alveolitis resulting from exposure to mould or organic dust.

Committee: This new schedule is added following amendments to s. 10(2). It is based on Table 6 of the SK OHS Regulations.

SCHEDULE C

(Subsections 65(1) and 65(4))

Summary of First Aid Requirements

Minimum: Every work site must have a first aid box containing standard supplies as set out in Schedule G, a manual, a register and emergency information. Additional requirements are listed below:

Number of Workers at Work Site	Close (1/2 hour or less to medical facility)	Distant (1/2 - 2 hours to medical facility)	Isolated (More than 2 hours' by surface transport to medical facility or by aircraft if normal mode of transport is by aircraft)
1	minimum	minimum	minimum
2 - 4	minimum	minimum plus <ul style="list-style-type: none"> • blankets, stretcher and splints • First aid attendant with Level 1 qualification and supplies for high hazard work 	minimum plus <ul style="list-style-type: none"> • blankets, stretcher and splints • First aid attendant with Level 1 qualification and supplies for high hazard work
5 - 9	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies for high hazard work 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies • blankets, stretcher and splints 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies • blankets, stretcher and splints
10 - 20	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies • blankets, stretcher and splints 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies • blankets, stretcher and splints

21 - 40	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies • blankets, stretcher and splints 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 2 qualification and supplies for high hazard work • First aid attendant with Level 1 qualification and supplies for other work • blankets, stretcher and splints
41 - 99	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification and supplies 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 2 qualification and supplies for high hazard work • First aid attendant with Level 1 qualification and supplies for work that is not high hazard work • blankets, stretcher and splints 	minimum plus <ul style="list-style-type: none"> • First aid attendant with Level 1 qualification for low hazard work • EMT for high hazard work • First aid attendant with Level 2 qualification and supplies for other work • blankets, stretcher and splints
100 +	minimum plus <ul style="list-style-type: none"> • 2 First aid attendants with Level 1 qualification and supplies 	minimum plus <ul style="list-style-type: none"> • First aid room • 1 EMT and 1 First aid attendant with Level 2 qualification and supplies for high hazard work • 2 First aid attendants with Level 1 qualification and supplies for work that is not high hazard work • blankets, stretcher and splints 	minimum plus <ul style="list-style-type: none"> • First aid room • 1 EMT and 1 First aid attendant with Level 2 qualification and supplies for high hazard work • 2 First aid attendants with Level 1 qualification and supplies for work that is low hazard work • 2 First aid attendants with Level 2 qualification and supplies for other work • blankets, stretcher and splints

Stakeholder: No clarity on what qualifies a person as a Class A attendant (per Section 61). [re: Schedule C and D->F] No correlation between Class A & B Attendant (Schedule C) and Level 1-3 First Aid Qualification.

Stakeholder: There should be consistency in the terminology used. Part 5 of the regulations, regarding "first aid qualification", refers to Levels 1, 2 and 3. Most of the schedules relating to first aid (schedules D, E, F, H, I, and 1) refer to Levels 1, 2 and 3 as well. Schedule C of the regulation does not, and instead refers to Class A or 8 first aid attendants. "Class A and "Class B" attendants are not mentioned anywhere but this schedule. Since an EMT is defined as a level 3 attendant in section 61, it would seem Class A and B attendants should refer to attendants with

Level 1 and 2 qualifications. Whichever designation (A and B, or Levels 1,2 and 3) is to be used should be used consistently.

Stakeholder: The classifications "Class A" and "Class B" attendant should be changed to directly reflect the level of First Aid training required. Schedules C requires Class A attendants for isolated workplaces with 1-20 employees. We recommend that the wording be changed to mandate a first aid attendant with a minimum Level 1 First Aid Qualification.

Stakeholder: No definition of First Aid Attendants - Class A, B, C. Schedule D-F refers to Level 1-3 First Aid Qualifications- is this what's meant by Class A, B, C?

Committee: Agreed. There was an inconsistency between this schedule and Part 5 of the June 2010 consultation draft. This has been corrected (see s. 1 and the definitions of "Level 1 qualification" and "Level 2 qualification" and of "first aid attendant").

Stakeholder: The definition of "minimum" requires more emphasis to help readers better understand the requirement.

Committee: Agreed and a note is added at the head of the table.

Stakeholder: recommends complete Part 5 reworked along lines of MHSRs

Committee: There was an inconsistency between this schedule and Part 5 of the June 2010 consultation draft. This has been corrected (see s. 1 and the definitions of "Level 1 qualification" and "Level 2 qualification" and of "first aid attendant") and changes to Part 5. The MHSRs (*Mine Health and Safety Regulations*) are made under a different Act. While OHS may be similar under the two regimes, what is appropriate for mines is not necessarily appropriate in all work sites.

SCHEDULE D

(Sections 1 and 65(2))

Minimum Requirements for Level 1 First Aid Qualification

A. First aid training course:

I. Course duration 14-16 hours

II. Course Content:

The role of the first aid attendant

Interaction with higher-level trained personnel and with medical care agencies

Medico-legal aspects of first aid

Responsibilities of the first aid attendant

Knowledge of the ambulance system

Basic anatomy and physiology: how the body systems work

Patient assessment: primary and secondary surveys

Assessment and monitoring of basic vital signs

Respiratory emergencies: respiratory system review, management of airways

Chest injuries: pneumothorax, flail chest, sucking chest wound

Circulatory system review, heart attack, stroke

Bleeding: wounds, control of bleeding and bandaging

Barrier devices to prevent the transmission of pathogens

Shock: signs and symptoms

Abdominal injuries: system review by quadrant

Stabilization: head, spine and pelvis injuries

Upper and lower extremity injuries

Medical emergencies: epilepsy, diabetes

Assessment and treatment of burns

Assessment and treatment of poisonings and acute effects of abused drugs

Problems of heat and cold

Emotional problems

Movement of a casualty

Situation simulations, reporting on the patient to higher-level trained personnel

Understanding of and familiarity with relevant provisions of the Safety Act

B. Cardiopulmonary resuscitation training course:

I. Course duration: 4-6 hours

II. Course Content:

Risk factors

Signals and actions of heart attack and stroke

Airway obstruction: prevention, causes, recognition

Entrance into the emergency medical services system

One rescuer cardiopulmonary resuscitation (adult)
Treatment of an adult with an obstructed airway
Turning of the casualty into the recovery position.

Committee: The previous version of Schedule D, in the June 2010 consultation draft does not appear in this revised draft. Schedule D has been altered significantly as a result of considering the comments by stakeholders. It is based on Table 1 of the SK OHS Regulations.

Stakeholder: In Schedules D and E there appears to be confusion between First Aid and CPR skills. The simplest solution, which would further bring these Regulations in line with Western provinces, would be to combine First Aid and CPR into one course. For example: the minimum requirements for a Level I First Aid course would include the course content for First Aid training and Cardiopulmonary Resuscitation training. The duration of the course would be 6.5 to 10 hours.

Committee: Agrees generally. The SK OHS Regulations set the duration of the CPR training at 4-6 hours for Level 1 (Class A in SK). That time requirement is adopted.

SCHEDULE D.1

(Section 1)

First Aid Services Authorized by a Level 1 Qualification

Primary and secondary assessment

Cardiopulmonary resuscitation

Bandaging and splinting

Monitoring vital signs

Basic management of medical emergencies

Spine stabilization

Any other service for which the holder of the Level 1 qualification has acquired additional training from an approved agency

Committee: In the process of overhauling Part 5 (First Aid) and reviewing the comments from the stakeholders, this new schedule is added. It is based on Table 2 of the SK OHS Regulations.

SCHEDULE E

(Sections 1 and 65(2))

Minimum Requirements for Level 2 First Aid Qualification

A. First aid training course:

I. Course duration 60-80 hours

It is recommended that the review and practice time should be at least 20 hours.

II. Course Content:

Roles and responsibility: knowledge of emergency medical system, the place of the first aid attendant in the system, and other skill levels in the system
 The different phases of emergency medical care
 Adequate training in the use of first aid equipment
 Primary and secondary survey of the casualty
 Monitoring and assessment of vital signs
 Bleeding: wounds, control of bleeding and bandaging
 Barrier devices to prevent the transmission of pathogens
 Airway management and use of relevant equipment (e.g. bag valve, mask resuscitator, oxygen equipment)
 Assessment and treatment of common medical emergencies
 Assessment and treatment of shock
 Trauma to head, spine, chest, abdomen and pelvis
 Injuries to extremities
 Environmental emergencies
 Crisis intervention: provision of psychological support
 First on the scene management skills, triage
 Assessment and treatment of burns
 Obstetrics: emergency delivery and post-partum haemorrhage
 Recognition of the acute signs and symptoms of drug abuse and treatment of the casualty
 Assessment and treatment of the acute (e.g. distended or tender) abdomen
 Basic extrication of the casualty from immediate danger
 Record keeping: preservation of information necessary for subsequent action
 Understanding of and familiarity with relevant provisions of the Safety Act

B. Cardiopulmonary resuscitation training course:

I. Course duration: 8-10 hours

II. Course Content:

Risk factors
 Signals and actions of heart attack and stroke
 Airway obstruction: prevention, causes, recognition

Entrance into the emergency medical services system
One rescuer cardiopulmonary resuscitation
Two rescuer cardiopulmonary resuscitation
Treatment of an adult with an obstructed airway
Mouth-to-mask resuscitation
Spinal injuries
Turning of the casualty into the recovery position.

Stakeholder: In Schedules D and E there appears to be confusion between First Aid and CPR skills. The simplest solution, which would further bring these Regulations in line with Western provinces, would be to combine First Aid and CPR into one course. For example: the minimum requirements for a Level I First Aid course would include the course content for First Aid training and Cardiopulmonary Resuscitation training. The duration of the course would be 6.5 to 10 hours.

Committee: Agrees. The SK OHS Regulations set the duration of the CPR training at 8-10 hours for Level 2 (Class B in SK). That time requirement is adopted. As with Schedule D, the consultation draft version of Schedule E is not reproduced. It has been redrafted along the lines of Table 3 of the SK OHS Regulations.

SCHEDULE E.1

(Section 1)

First Aid Services Authorized by a Level 2 Qualification

Primary and secondary assessment

Cardiopulmonary resuscitation

Bandaging and splinting

Monitoring vital signs

Basic management of medical emergencies

Airway management, the use of suction devices and bag-valve mask

Proper procedures and conditions for the administration of oxygen

Use of spinal immobilization devices

Psychological support measures

Any other service for which the holder of the Level 2 qualification has acquired additional training from an approved agency

Committee: In the process of overhauling Part 5 (First Aid) and reviewing the comments from the stakeholders, this new schedule is added. It is based on Table 4 of the SK OHS Regulations.

SCHEDULE G

*(Subsection 65(4),
paragraph 67(1)(a) and section 70)*

Required Contents of First Aid Box

Amounts or quantities of the following supplies and equipment adequate for the expected emergencies, contained in a well-marked container:

- Antiseptic, wound solution or antiseptic swabs
- Bandage - triangular, 100 cm folded, and safety pins
- Bandage - gauze roller, various sizes
- Bandage - adhesive strips and hypoallergenic adhesive tape
- Disposable latex or vinyl gloves
- Dressing - sterile and wrapped gauze pads and compresses, various sizes including abdominal pad size
- Dressing - self-adherent roller, various sizes
- Forceps - splinter
- Pad with shield or tape for eye
- Pocket mask with disposable one-way re-breathe valves
- Scissors - bandage
- Soap

SCHEDULE H

(Subsection 65(4) and paragraph 71(2)(a))

Additional Supplies and Equipment - Level 1 Qualification

- Bag - ice or cold water
- Bag - hot water or hot pack
- Bandage - elastic, 5 cm and 10 cm widths
- Sterile burn sheet
- Any other first aid supplies and equipment that are appropriate to the dangers and other circumstances of the work site and commensurate with the training of the first aid attendant

SCHEDULE I

(Subsection 65(4) and paragraph 71(2)(b))

Additional Supplies and Equipment - Level 2 Qualification

- Bag - hot water or hot pack
- Bag - ice or cold water
- Bag valve and mask resuscitator
- Bandage - elastic, 5 cm and 10 cm widths
- Emergency oxygen system
- Sphygmomanometer
- Sterile burn sheet
- Stethoscope with a bell
- Thermometer
- Where there are potential causes of spinal injury, short and long spine boards with adequate restraining straps and medium and large cervical collars
- Any other first aid supplies and equipment that are appropriate to the dangers and other circumstances of the work site and commensurate with the training of the first aid attendant.

Committee: This schedule is redrafted along the lines of Table 12 of the SK OHS Regulations. Missing from the consultation version was the equipment needed to take blood pressure (sphygmomanometer and stethoscope) and emergency resuscitation equipment. Schedule J is removed since it is no longer relevant with the removal of the third level of first aid qualification.

SCHEDULE K

(Subsection 82(2))

Minimum Number of Toilets

Number of Workers	Number of Toilets
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
Add one toilet for each additional unit of 30 workers	

SCHEDULE M

(Section 194(1))

Minimum Dimensions of Members of Light Duty Wooden¹ Scaffolds
(Height less than 6 m)

Dimensions of Members of Single-pole Scaffolds

1	Uprights	38 mm x 89 mm
2	Bearers	2 - 19 mm x 140 mm
3	Ledgers	19 mm x 140 mm
4	Braces	19 mm x 140 mm

Dimensions of Members of Double-pole Scaffolds

1	Uprights	38 mm x 89 mm
2	Bearers	2 - 19 mm x 140 mm
3	Ledgers	19 mm x 140 mm
4	Braces	19 mm x 140 mm

Dimensions of Members of Bracket Scaffolds

1	Uprights	38 mm x 89 mm
2	Bearers	38 mm x 89 mm
3	Braces	38 mm x 89 mm
4	Gusset ²	19 mm plywood

¹ Number 1 structural grade spruce lumber or material of equivalent or greater strength.

² "Gusset" means a brace or angle bracket that is used to stiffen a corner or angular piece of work.

Stakeholder: "Races" or "braces"?

Committee: Agrees. The use of "Races" in the consultation draft was incorrect. It is corrected in the revision.

SCHEDULE N

(Section 220(1))

Minimum Training Requirements for Competent Operator of a Crane

I. Course Content:

A. *Occupational Health and Safety Regulations, Related to Cranes:*

- Duties of employers and operators
- Protection of workers
- Approved standards for cranes
- Operation of cranes
- Maintenance of cranes
- Signalling

B. Types of Cranes:

- Terminology
- Types of cranes
- Specific design of crane to be operated
- Basic geometry of cranes, including effect of configuration changes and operating in different quadrants

C. Site Evaluation:

- Check route of travel, clearances and ground conditions, including the presence of structures, power lines or other equipment that may constitute a hazard
- Check site of operation, including the nature of ground, gradients, stabilizers, tire pressure and blocking under outriggers
- Identify potentially dangerous situations and the appropriate response

D. Crane Controls:

- Identify and use controls
- Pre-start check
- Start-up
- Shut-down
- Post-operating check
- Perform operating adjustments

E. Operation of Crane:

- Movement to location
- Set-up; extend stabilizers and outriggers
- Change configuration; insert boom sections; extensions; jibs; counterweights
- Check for safety of other persons before movement
- Safety precautions while crane is unattended, in storage or in transit

F. Load Estimation

- Load gauge incorporated in the crane
- Calculation of load from material density and volume
- Incorporate weight of attachments, hook, block and headache ball

G. Establish Capability of Crane:

- Implications of moments, leverage and mechanical advantage on capability
- Use of load charts to determine capability
- Effect of boom length, angle and load radius
- Effect of configuration changes, boom extension and jib
- Centre of gravity
- Abnormal loading; wind velocity
- Multi-crane hoists

H. Rigging:

- Inspection of ropes and rigging equipment
- Reeving: sheaves; spools; drums; wire ropes
- Rigging loads: hooks; safety catches; shackles; end fittings and connections
- Rigging slings: configurations; angles; safe working loads
- Safety factors for loads and workers

I. Signalling:

- Designated signaller: position; visibility; number
- Methods of signalling: hand; radio
- Standard hand signals

J. Maintenance of Crane:

- Maintenance schedule; planned preventative maintenance
- Inspection and repair procedures
- Blocking and the safe position of parts during maintenance
- Wire rope inspection and maintenance

K. Log Books:

- Record inspections, maintenance, calibrations and work activities
- Hours of service
- Signed by employer and person performing inspection, maintenance and calibration

II. Course Duration:

A. Overhead travelling crane or hoist: 40 hours, classroom and practical.

- B. Tower or mobile crane: 100 hours, classroom and practical.
- C. Crane used to raise or lower a worker in a personnel-lifting unit on a hoist line: 20 hours of classroom and 200 hours of practical experience operating the crane in addition to the requirements set out in items A and B.

SCHEDULE O

(Paragraphs 279(2)(a) 280(2)(a))

Excavation and Trench Shoring

Trench or Excavation Depth	Soil Type	Uprights	Braces				Wales
			Width of Excavation or Trench at Brace Location		Brace Spacing		
			1.8 m to 3.6 m	Up to 1.8 m	Vertical	Horizontal	
3.0 m or less	1	50 mm x 200 mm at 1.2 m o/c*	200 mm x 200 mm	150 mm x 150 mm	1.2 m	2.4 m	**200 mm x 200 mm
	2	50 mm x 200 mm at 1.2 m o/c*	200 mm x 200 mm	150 mm x 150 mm	1.2 m	2.4 m	**200 mm x 200 mm
	3	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	200 mm x 200 mm	1.2 m	2.4 m	250 mm x 250 mm
	4	75 mm x 200 mm at 10 mm gap	250 mm x 250 mm	200 mm x 200 mm	1.2 m	2.4 m	300 mm x 300 mm
Over 3.0 m to 4.5 m	1	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	150 mm x 150 mm	1.2 m	2.4 m	200 mm x 200 mm
	2	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	200 mm x 200 mm	1.2 m	2.4 m	250 mm x 250 mm
	3	50 mm x 200 mm at 10 mm gap	250 mm x 250 mm	250 mm x 250 mm	1.2 m	2.4 m	250 mm x 250 mm
Over 3.0 m to 4.0 m***	4	75 mm x 200 mm at 10 mm gap	300 mm x 300 mm	300 mm x 300 mm	1.2 m	2.4 m	300 mm x 300 mm
Over 4.5 m to 6.0 m***	1	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	200 mm x 200 mm	1.2 m	2.4 m	200 mm x 200 mm
	2	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	250 mm x 250 mm	1.2 m	2.4 m	250 mm x 250 mm
	3	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	300 mm x 300 mm	1.2 m	2.4 m	300 mm x 300 mm

* Note: "o/c" means or closer.

** Note: for excavations and trenches to 3 m depth in soil types 1 and 2, the wales can be omitted if the braces are used at 1.2 m horizontal spacings.

*** For depths greater than 4 m for soil type 4 and depths greater than 6 m for other soil types, see subsection 280(3).

SCHEDULE P

(Section 299)

Hours of Work and Rest Periods for Work in Compressed Air

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Air pressure for one working period	max. hours of work per 24 hours	max. hours of work, 1st period	min hours of rest, 1st period	max hours of work, 2nd period	min. hours of rest, 2nd period
Less than 96 kPa (rarefied air)	7.5	3.75	1.25	3.25	0.25
96 kPa or more but less than 138 kPa	6	3	2.25	3	0.75
138 kPa or more but less than 180 kPa	4	2	3.5	2	1.5
180 kPa or more but less than 220 kPa	3	1.5	4.5	1.5	1.5
220 kPa or more but less than 262 kPa	2	1	5	1	2
262 kPa or more but less than 303 kPa	1.5	0.75	5.5	0.75	2
303 kPa or more but less than 345 kPa	1	0.5	6	0.5	2

Stakeholder: Less than 96 kPa equates to less than 13.27 psi - that would mean that any work underground or any work in a pressurized room or under a sandblasting hood would fall in this category - have to limit the table - suggests 15kPa or more but less than 96 kPa

Committee: Sandblasting is working with compressed air not in compressed air. Work underground may be mining.

SCHEDULE Q

(Section 323 and subsection 329(1))

Notifiable Chemical and Biological Substances

A. Any of the following chemical substances or any mixture containing more than 1% of any of them:

CAS Number	Chemical Substance
92-67-1	4-Aminobiphenyl
492-80-8	Auromine
92-87-5	Benzidine
542-88-1	bis (Chloromethyl) ether
119-94-1	o-Dianisidine
91-94-1	3,3'-Dichlorobenzidine
107-30-2	Methyl chloromethyl ether
50-60-2	Mustard gas
91-59-8	2-Naphtylamine
92-93-3	4-Nitrobiphenyl
75-01-4	Vinyl chloride

B. Any of the following biological substances

Genetically modified¹ micro-organisms²

¹"genetically modified" means genetic combinations not known to occur naturally.

²"micro-organisms" means any organism or consortium of organisms of microscopic size, including bacteria, protozoa, fungi, algae and viruses.

SCHEDULE R

(Sections 324, 325, 327 and 329)

Designated Chemical and Biological Substances

1. Any mixture containing less than 1% of any chemical substance listed in Schedule Q.
2. Any of the following chemical substances:

CAS* NUMBER	CHEMICAL SUBSTANCE
75-07-0	Acetaldehyde
60-35-5	Acetamide
79-06-1	Acrylamide
107-13-1	Acrylonitrile
1402-68-2	Aflatoxins
60-09-3	para-Aminoazobenzene
97-56-3	ortho-Aminoazotoluene
712-68-5	2-Amino-5(5-nitro-2-furyl)-1,3, 4-thiadiazole
61-82-5	Amitrole
90-04-0	ortho-Anisidine
1309-64-4	Antimony trioxide
7440-38-2	Arsenic and arsenic mixtures
1332-21-4	Asbestos
1912-24-9	Atrazine
151-56-4	Aziridine
98-87-3	Benzal chloride
71-43-2	Benzene
-	Benzidine-based dyes
271-89-6	Benzofuran
98-07-7	Benzotrichloride
98-88-4	Benzoyl chloride
100-44-7	Benzyl chloride
1694-09-3	Benzyl violet 4B
-	Beryllium and beryllium compounds
75-27-4	Bromodichloromethane
3296-90-0	2,2-bis(bromomethyl)propane-1,3,-diol
106-99-0	1,3-Butadiene
3068-88-0	beta-Butyrolactone
25013-16-5	Butylated hydroxyanisole
-	Cadmium and cadmium compounds
2425-06-1	Captafol

CAS* NUMBER	CHEMICAL SUBSTANCE
56-23-5	Carbon tetrachloride
9000-07-01	Carrageenan, degraded
-	Chlordane isomers
115-28-6	Chlorendic acid
-	Chlorinated paraffins
106-47-8	para-chloroaniline
67-66-3	Chloroform
95-57-8	2-Chlorophenol
108-43-0	3-Chlorophenol
106-48-9	4-Chlorophenol
95-83-0	4-Chloro-ortho-phenylenediamine
95-69-2	para-Chloro-ortho-toluidine
1897-45-6	Chlorothalonil
-	Chromium compounds, hexavalent
6459-94-5	CI Red 114
569-61-9	CI Basic Red 9
2429-74-5	CI Direct Blue 15
6358-53-8	Citrus Red 2
8007-45-2	Coal-tar pitches
8007-45-2	Coal-tars
-	Cobalt and cobalt compounds
8001-58-9	Creosotes
120-71-8	para-Cresidine
14901-08-7	Cycasin
-	DDT and isomers
613-35-4	N,N'-Diacetylbenzidine
615-05-4	2,4-Diaminoanisole
101-80-4	4,4'-Diaminodiphenyl ether
95-80-7	2,4-Diaminotoluene
334-88-3	Diazomethane
226-36-8; 224-42-0	Dibenzacridine
96-12-8	1,2-Dibromo-3-chloropropane
79-43-6	Dichloroacetic acid
106-46-7	para-Dichlorobenzene
764-41-0	1,4-Dichloro-2-butene
107-06-2	1,2-Dichloroethane
75-09-2	Dichloromethane

CAS* NUMBER	CHEMICAL SUBSTANCE
542-75-6	1,3-Dichloropropene (technical grade)
62-73-7	Dichlorovos
1464-53-5	Diepoxybutane
117-81-7	Di(2-ethylhexyl)phthalate
-	Diesel engine exhaust
1615-80-1	1,2-Diethylhydrazine
64-67-5	Diethyl sulphate
101-90-6	Diglycidyl resorcinol ether
2973-10-6	Diisopropyl sulphate
79-44-7	Dimethylcarbamoyl chloride
68-12-2	Dimethylformamide
57-14-7	1,1-Dimethylhydrazine
540-73-8	1,2-Dimethylhydrazine
77-78-1	Dimethyl sulphate
-	Dinitropyrenes
25321-14-6	Dinitrotoluene
123-91-1	1,4-Dioxane
2475-48-8	Disperse blue
106-89-8	Epichlorohydrin
106-88-7	1,2-Epoxybutane
66733-21-9	Erionite
140-88-5	Ethyl acrylate
74-96-4	Ethyl bromide
106-93-4	Ethylene dibromide
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
62-50-0	Ethyl methanesulphonate
759-73-9	N-Ethyl-N-nitrosourea
50-00-0	Formaldehyde
3570-75-0	2-(2-Formylhydrazino)-4(5-nitro-2-furyl)thiazole
-	Gasoline
765-34-4	Glycidaldehyde
2784-94-3	HC Blue 1
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
608-73-1	Hexachlorocyclohexanes
67-72-1	Hexachloroethane

CAS* NUMBER	CHEMICAL SUBSTANCE
680-31-9	Hexamethylphosphoramide
302-01-2	Hydrazine
22398-80-7	Indium phosphide
193-39-5	Indone[1,2,3-cd]pyrene
78-79-5	Isoprene
143-50-0	Kepone
-	Lead (compounds), inorganics
632-99-5	Magenta (contains CI Basic Red 9)
-	Marine diesel fuels
484-20-8	5-Methoxypsoralen
75-55-8	2-Methylaziridine
101-14-4	4,4'-Methylene bis(2-chloroaniline)
838-88-0	4,4'-Methylene bis(2-methylaniline)
101-77-9	4,4'-Methylene dianiline
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide
-	Methylmercury Compounds
66-27-3	Methyl methanesulphonate
129-15-7	2-Methyl-1-nitroanthraquinone
684-93-5	N-Methyl-N-nitrosourea
615-53-2	N-Methyl-N-nitrosourethane
8012-95-1	Mineral oils, untreated and mildly treated
2385-85-5	Mirex
50-60-2	Mustard gas
-	Nickel (compounds)
12035-72-2	Nickel subsulphide
-	Nitrilotriacetic acid and its salts
1836-75-5	Nitrofen (technical grade)
607-57-8	2-Nitrofluorene
555-84-0	1-[(5-Nitrofurfurylidene)amino]2-imidazolidinone
51-75-2	Nitrogen mustard
79-46-9	2-Nitropropane
5522-43-0; 57835-92-4	Nitropyrene isomers
924-16-3	N-Nitrosodi-n-butylamine
1116-54-7	N-Nitrosodiethanolamine
55-18-5	N-Nitrosodiethylamine
62-75-9	N-Nitrosodimethylamine

CAS* NUMBER	CHEMICAL SUBSTANCE
621-64-7	N-Nitrosodi-N-propylamine
4549-40-0	N-Nitrosomethylvinylamine
59-89-2	N-Nitrosomorpholine
16543-55-8	N-Nitroso-nornicotine
100-75-4	N-Nitrosopiperidine
930-55-2	N-Nitrosopyrrolidine
13256-22-9	N-Nitrososarcosine
2646-17-5	Oil orange SS
12174-11-7	Palygorskite (attapulgite) (long fibres, > 5 microns)
-	Penta/hexa cyclic unsubstituted aromatic hydrocarbons
135-88-6	N-Phenyl-beta-naphthylamine
95-54-5	o-Phenylenediamine
122-60-1	Phenylglycidyl ether
100-63-0	Phenylhydrazine
36355-01-8	Polybrominated biphenyls
1336-36-3	Polychlorinated biphenyls
3564-908; 3761-53-3	Ponceau 3R
7758-01-2	Potassium bromate
1120-71-4	1,3-Propane sultone
57-57-8	β-Propiolactone
75-55-8	Propylene imine
75-56-9	Propylene oxide
-	Refractory ceramic fibres
-	Residual fuel oils (heavy fuel oils)
94-59-7	Safrole
68308-34-9	Shale-oils
-	Silica crystalline (respirable size)
409-21-2	Silicon carbide, fibrous (including whiskers)
132-27-4	Sodium ortho-phenylphenate
-	Soots from pyrolysis of heating fuels
100-42-5	Styrene
96-09-3	Styrene-7,8-oxide
95-06-7	Sulphallate
-	Sulphuric acid (strong acid mist exposure, only)
1746-01-6	2,3,7,8-Tetrachlorodibenzo-para-dioxin
127-18-4	Tetrachloroethylene

CAS* NUMBER	CHEMICAL SUBSTANCE
116-14-3	Tetrafluoroethylene
509-14-8	Tetranitromethane
62-55-5	Thioacetamide
139-65-1	Thiodianiline
141-90-2	Thiouracil
62-56-6	Thiourea
119-93-7	ortho-Tolidine
584-84-9	Toluene diisocyanates
95-53-4	ortho-Toluidine
106-49-0	para-Toluidine
8001-35-2	Chlorinated camphene
52-24-4	Tris(1-aziridinyl)phosphine sulphide
126-72-7	Tris(2,3-dibromopropyl)phosphate
72-57-1	Trypan Blue
-	Uranium, (natural) soluble and insoluble compounds
51-79-6	Urethane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
100-40-3	4-Vinyl cyclohexene
106-87-6	Vinyl cyclohexene dioxide
75-02-5	Vinyl fluoride
-	Wood dusts (Oak, Beech, Birch, Mahogany, Teak and Walnut)
13530-65-9; 11103-86-9; 37300-23-5	Zinc chromates
1300-73-8	Xylidine isomers

*"CAS" means the Chemical Abstracts Service Division of the American Chemical Society

SCHEDULE S

(Sections 325 and 327)

Contamination Limits

Also check Schedules Q and R for substances
(such as asbestos and benzene) with additional requirements

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
75-07-0	Acetaldehyde	**C25 ppm		Schedule R
64-19-7	Acetic acid	10 ppm	15 ppm	
108-24-7	Acetic anhydride	5 ppm	10 ppm	
67-64-1	Acetone	500 ppm	750 ppm	
75-86-5	Acetone cyanohydrin, as CN	**C5 mg/m ³		Skin
75-05-8	Acetonitrile	20 ppm	30 ppm	Skin
98-86-2	Acetophenone	10 ppm	15 ppm	
79-27-6	Acetylene tetrabromide	1 ppm	3 ppm	
50-78-2	Acetylsalicylic acid	5 mg/m ³	10 mg/m ³	
107-02-8	Acrolein	**C0.1 ppm		Skin
79-06-1	Acrylamide (inhalable fraction and vapour)	0.03 mg/m ³	0.09 mg/m ³	Schedule R, Skin
79-10-7	Acrylic acid	2 ppm	4 ppm	Skin
107-13-1	Acrylonitrile	2 ppm	4 ppm	Skin, Schedule R
124-04-9	Adipic acid	5 mg/m ³	10 mg/m ³	
111-69-3	Adiponitrile	2 ppm	4 ppm	Skin
309-00-2	Aldrin	0.25 mg/m ³	0.75 mg/m ³	Skin
	Aliphatic hydrocarbon gases, Alkane [C1-C4]	1000 ppm	1250 ppm	
107-18-6	Allyl alcohol	0.5 ppm	1.5 ppm	Skin
107-05-1	Allyl chloride	1 ppm	2 ppm	
106-92-3	Allyl glycidyl ether (AGE)	1 ppm	3 ppm	
2179-59-1	Allyl propyl disulphide	0.5 ppm	1.5 ppm	SEN
7429-90-5	Aluminum and compounds (as Al):			
-	Metal dust	10 mg/m ³	20 mg/m ³	
-	Pyro powders	5 mg/m ³	10 mg/m ³	
-	Soluble salts	2 mg/m ³	4 mg/m ³	
-	Alkyls, not otherwise specified	2 mg/m ³	4 mg/m ³	
1344-28-1	Aluminum oxide	10 mg/m ³	20 mg/m ³	
504-29-0	2-Aminopyridine	0.5 ppm	1.0 ppm	
61-82-5	Amitrole	0.2 mg/m ³	0.6 mg/m ³	Schedule R
7664-41-7	Ammonia	25 ppm	35 ppm	
12125-02-9	Ammonium chloride fume	10 mg/m ³	20 mg/m ³	
3825-26-1	Ammonium perfluorooctanoate	0.01 mg/m ³	0.03 mg/m ³	Skin

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
7773-06-0	Ammonium sulphamate (Ammate)	10 mg/m ³	20 mg/m ³	
994-05-8	tert-Amyl methyl ether (TAME)	20 ppm	30 ppm	
62-53-3	Aniline	2 ppm	4 ppm	Skin
90-04-0	o-Anisidine	0.5 mg/m ³	1.5 mg/m ³	Skin, Schedule R
104-94-9	p-Anisidine	0.5 mg/m ³	1.5 mg/m ³	Skin
7440-36-0	Antimony and compounds, (as Sb)	0.5 mg/m ³	1.5 mg/m ³	
86-88-4	ANTU (alpha-Naphthyl thiourea)	0.3 mg/m ³	0.9 mg/m ³	
7440-38-2	Arsenic, and inorganic compounds, (as As)	0.01 mg/m ³	0.03 mg/m ³	Schedule R
7784-42-1	Arsine	0.05 ppm	0.15 ppm	
8052-42-4	Asphalt (bitumen) fume, as benzene soluble aerosol (inhalable fraction)	0.5 mg/m ³	1.5 mg/m ³	
1912-24-9	Atrazine	5 mg/m ³	10 mg/m ³	Schedule R
86-50-0	Azinphos-methyl (inhalable fraction and vapour)	0.2 mg/m ³	0.6 mg/m ³	Skin; SEN
7440-39-3	Barium and soluble compounds, (as Ba)	0.5 mg/m ³	1.5 mg/m ³	
7727-43-7	Barium sulphate	10 mg/m ³	20 mg/m ³	
17804-35-2	Benomyl	10 mg/m ³	20 mg/m ³	
98-07-7	Benzotrichloride	**C0.1 ppm		Skin, Schedule R
98-88-4	Benzoyl chloride	**C0.5 ppm		Schedule R
94-36-0	Benzoyl peroxide	5 mg/m ³	10 mg/m ³	
140-11-4	Benzyl acetate	10 ppm	20 ppm	
100-44-7	Benzyl chloride	1 ppm	2 ppm	Schedule R
7440-41-7	Beryllium and compounds, (as Be)	0.002 mg/m ³	0.01 mg/m ³	Schedule R
92-52-4	Biphenyl (diphenyl)	0.2 ppm	0.6 ppm	
3033-62-3	Bis (2-dimethylaminoethyl)ether (DMAEE)	0.05 ppm	0.15 ppm	Skin
1304-82-1	Bismuth telluride			
-	Undoped	10 mg/m ³	20 mg/m ³	
-	Se-doped, as Bi ₂ Te ₃	5 mg/m ³	10 mg/m ³	
1330-43-4; 1303-96-4; 10043-35-3; 12179-04-3	Borate compounds, inorganic (inhalable fraction)	2 mg/m ³	6 mg/m ³	
1303-86-2	Boron oxide	10 mg/m ³	20 mg/m ³	
10294-33-4	Boron tribromide	**C1 ppm		
7637-07-2	Boron trifluoride	**C1 ppm		
314-40-9	Bromacil	10 mg/m ³	20 mg/m ³	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
7726-95-6	Bromine	0.1 ppm	0.2 ppm	
7789-30-2	Bromine pentafluoride	0.1 ppm	0.3 ppm	
74-97-5	Bromochloromethane (Chlorobromomethane)	200 ppm	250 ppm	
75-25-2	Bromoform	0.5 ppm	1.5 ppm	Skin
106-94-5	1-Bromopropane	10 ppm	20 ppm	
106-99-0	1,3-Butadiene	2 ppm	4 ppm	Schedule R
106-97-8; 75-28-5	Butane, All isomers	See Aliphatic hydrocarbon gases [C1-C4]		
111-76-2	2-Butoxyethanol (Butyl Cellosolve or EGBE)	20 ppm	30 ppm	
112-07-2	2-Butoxyethyl acetate (EGBEA)	20 ppm	30 ppm	
123-86-4	n-Butyl acetate	150 ppm	200 ppm	
105-46-4	sec-Butyl acetate	200 ppm	250 ppm	
540-88-5	tert-Butyl acetate	200 ppm	250 ppm	
141-32-2	n-Butyl acrylate	2 ppm	4 ppm	SEN
71-36-3	n-Butyl alcohol (n-butanol)	20 ppm	30 ppm	
78-92-2	sec-Butyl alcohol (sec-butanol)	100 ppm	125 ppm	
75-65-0	tert-Butyl alcohol (tert-butanol)	100 ppm	125 ppm	
109-73-9	n-Butylamine	**C5 ppm		Skin
1189-85-1	tert-Butyl chromate, (as CrO ₃)	**C0.1 mg/m ³		Skin
2426-08-6	n-Butyl glycidyl ether (BGE)	3 ppm	6 ppm	Skin, SEN
138-22-7	n-Butyl lactate	5 ppm	10 ppm	
109-79-5	n-Butyl mercaptan	0.5 ppm	1.5 ppm	
89-72-5	o-sec-Butylphenol	5 ppm	7 ppm	Skin
98-51-1	p-tert-Butyltoluene	1 ppm	2 ppm	
7440-43-9	Cadmium, and compounds, (as Cd):			Schedule R
-	(total fraction)	0.01 mg/m ³	0.03 mg/m ³	
-	(respirable fraction)	0.002 mg/m ³	0.006 mg/m ³	
1317-65-3	Calcium carbonate	10 mg/m ³	20 mg/m ³	
13765-19-0	Calcium chromate, (as Cr)	0.001 mg/m ³	0.003 mg/m ³	
156-62-7	Calcium cyanamide	0.5 mg/m ³	1.5 mg/m ³	
1305-62-0	Calcium hydroxide	5 mg/m ³	10 mg/m ³	
1305-78-8	Calcium oxide	2 mg/m ³	4 mg/m ³	
1344-95-2	Calcium silicate, synthetic nonfibrous	10 mg/m ³	20 mg/m ³	
76-22-2	Camphor, synthetic	2 ppm	3 ppm	
105-60-2	Caprolactam (inhalable fraction and vapour)	5 mg/m ³	10 mg/m ³	
2425-06-1	Captafol	0.1 mg/m ³	0.3 mg/m ³	Skin, Schedule R
133-06-2	Captan (inhalable fraction)	5 mg/m ³	10 mg/m ³	SEN
63-25-2	Carbaryl	5 mg/m ³	10 mg/m ³	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
1563-66-2	Carbofuran (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	
1333-86-4	Carbon black	3.5 mg/m ³	7 mg/m ³	
124-38-9	Carbon dioxide	5000 ppm	30,000 ppm	
75-15-0	Carbon disulphide	10 ppm	15 ppm	Skin
630-08-0	Carbon monoxide	25 ppm	190 ppm	
558-13-4	Carbon tetrabromide	0.1 ppm	0.3 ppm	
75-44-5	Carbonyl chloride (Phosgene)	0.1 ppm	0.3 ppm	
353-50-4	Carbonyl fluoride	2 ppm	5 ppm	
120-80-9	Catechol (Pyrocatechol)	5 ppm	7.8 ppm	Skin
9004-34-6	Cellulose (paper fibre)	10 mg/m ³	20 mg/m ³	
21351-79-1	Cesium hydroxide	2 mg/m ³	4 mg/m ³	
57-74-9	Chlordane	0.5 mg/m ³	1.5 mg/m ³	Skin
8001-35-2	Chlorinated camphene	0.5 mg/m ³	1 mg/m ³	Skin, Schedule R
31242-93-0	o-Chlorinated diphenyl oxide	0.5 mg/m ³	1.5 mg/m ³	
7782-50-5	Chlorine	0.5 ppm	1 ppm	
10049-04-4	Chlorine dioxide	0.1 ppm	0.3 ppm	
7790-91-2	Chlorine trifluoride	**C 0.1 ppm		
107-20-0	Chloroacetaldehyde	**C1 ppm		
78-95-5	Chloroacetone	**C1 ppm		Skin
532-27-4	alpha-Chloroacetophenone (Phenacyl chloride)	0.05 ppm	0.15 ppm	
79-04-9	Chloroacetyl chloride	0.05 ppm	0.15 ppm	Skin
108-90-7	Chlorobenzene (Monochlorobenzene)	10 ppm	15 ppm	
2698-41-1	o-Chlorobenzylidene malononitrile	**C0.05 ppm		Skin
126-99-8	2-Chloro-1,3-butadiene (beta-Chloroprene)	10 ppm	15 ppm	Skin
75-45-6	Chlorodifluoromethane	1000 ppm	1250 ppm	
53469-21-9	Chlorodiphenyl (42% chlorine)	1 mg/m ³	3 mg/m ³	Skin
11097-69-1	Chlorodiphenyl (54% chlorine)	0.5 mg/m ³	1.5 mg/m ³	Skin
107-07-3	2-Chloroethanol (Ethylene chlorohydrin)	**C1.0 ppm		Skin
600-25-9	1-Chloro-1-nitropropane	2 ppm	4 ppm	
76-15-3	Chloropentafluoroethane	1000 ppm	1250 ppm	
76-06-2	Chloropicrin	0.1 ppm	0.3 ppm	
127-00-4; 78-89-7	1-Chloro-2-propanol and 2-Chloro-1-propanol	1 ppm	3 ppm	Skin
598-78-7	2-Chloropropionic acid	0.1 ppm	0.3 ppm	Skin
2039-87-4	o-Chlorostyrene	50 ppm	75 ppm	
95-49-8	o-Chlorotoluene	50 ppm	65 ppm	
2921-88-2	Chlorpyrifos, (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	Skin
7440-47-3	Chromium metal and inorganic			

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	compounds, (as Cr):			
	Metal and Cr (III) compounds	0.5 mg/m ³	1.5 mg/m ³	
-	Water soluble Cr (VI) compounds	0.05 mg/m ³	0.15 mg/m ³	Schedule R
-	Insoluble Cr (VI) compounds	0.01 mg/m ³	0.03 mg/m ³	Schedule R
14977-61-8	Chromyl chloride	0.025 ppm	0.07 ppm	
2971-90-6	Clopidol	10 mg/m ³	20 mg/m ³	
-	Coal dust:			
-	Anthracite (respirable fraction)	0.4 mg/m ³	1.2 mg/m ³	
-	Bituminous (respirable fraction)	0.9 mg/m ³	2.7 mg/m ³	
65996-93-2	Coal tar pitch volatiles, as benzene soluble aerosol (See Particulate polycyclic aromatic hydrocarbons)	0.2 mg/m ³	0.6 mg/m ³	Schedule R
7440-48-4	Cobalt and inorganic compounds, (as Co)	0.02 mg/m ³	0.06 mg/m ³	Schedule R
10210-68-1	Cobalt carbonyl, (as Co)	0.1 mg/m ³	0.3 mg/m ³	
16842-03-8	Cobalt hydrocarbonyl, (as Co)	0.1 mg/m ³	0.3 mg/m ³	
7440-50-8	Copper, (as Cu):			
-	fume	0.2 mg/m ³	0.6 mg/m ³	
-	dusts and mists	1 mg/m ³	3 mg/m ³	
-	Cotton dust, raw	0.2 mg/m ³	0.6 mg/m ³	
1319-77-3	Cresol, all isomers	5 ppm	10 ppm	Skin
4170-30-3	Crotonaldehyde	**C 0.3 ppm		Skin
299-86-5	Crufomate	5 mg/m ³	10 mg/m ³	
98-82-8	Cumene	50 ppm	74 ppm	
420-04-2	Cyanamide	2 mg/m ³	4 mg/m ³	
460-19-5	Cyanogen	10 ppm	15 ppm	
506-77-4	Cyanogen chloride	**C0.3 ppm		
110-82-7	Cyclohexane	100 ppm	150 ppm	
108-93-0	Cyclohexanol	50 ppm	62 ppm	Skin
108-94-1	Cyclohexanone	20 ppm	50 ppm	Skin
110-83-8	Cyclohexene	300 ppm	375 ppm	
108-91-8	Cyclohexylamine	10 ppm	15 ppm	
121-82-4	Cyclonite (RDX)	0.5 mg/m ³	1.5 mg/m ³	Skin
542-92-7	Cyclopentadiene	75 ppm	94 ppm	
287-92-3	Cyclopentane	600 ppm	900 ppm	
13121-70-5	Cyhexatin	5 mg/m ³	10 mg/m ³	
94-75-7	2,4-D (2,4-Dichlorophenoxy-acetic acid)	10 mg/m ³	20 mg/m ³	
50-29-3	DDT (Dichlorodiphenyltrichloroethane)	1 mg/m ³	3 mg/m ³	Schedule R
17702-41-9	Decaborane	0.05 ppm	0.15 ppm	Skin
8065-48-3	Demeton (inhalable fraction)	0.05 mg/m ³	0.15 mg/m ³	Skin

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	and vapour)			
919-86-8	Demeton-S-methyl, (inhalable fraction and vapour)	0.05 mg/m ³	0.15 mg/m ³	Skin, SEN
123-42-2	Diacetone alcohol (4-hydroxy-4methyl-2-pentanone)	50 ppm	60 ppm	
333-41-5	Diazinon, (inhalable fraction and vapour)	0.01 mg/m ³	0.03 mg/m ³	Skin
334-88-3	Diazomethane	0.2 ppm	0.6 ppm	Schedule R
19287-45-7	Diborane	0.1 ppm	0.3 ppm	
102-81-8	2-N-Dibutylaminoethanol	0.5 ppm	1 ppm	Skin
2528-36-1	Dibutyl phenyl phosphate	0.3 ppm	0.6 ppm	Skin
107-66-4	Dibutyl phosphate	1 ppm	2 ppm	
84-74-2	Dibutyl phthalate	5 mg/m ³	10 mg/m ³	
79-43-6	Dichloroacetic acid	0.5 ppm	1.5 ppm	Skin, Schedule R
7572-29-4	Dichloroacetylene	**C0.1 ppm		
95-50-1	o-Dichlorobenzene	25 ppm	50 ppm	
106-46-7	p-Dichlorobenzene	10 ppm	15 ppm	Schedule R
764-41-0	1,4-Dichloro-2-butene	0.005 ppm	0.015 ppm	Skin, Schedule R
75-71-8	Dichlorodifluoromethane	1000 ppm	1250 ppm	
118-52-5	1,3-Dichloro-5, 5-dimethyl hydantoin	0.2 mg/m ³	0.4 mg/m ³	
75-34-3	1,1-Dichloroethane	100 ppm	125 ppm	
540-59-0; 156-59-2; 156-60-5	1,2-Dichloroethylene, all isomers	200 ppm	250 ppm	
111-44-4	Dichloroethyl ether	5 ppm	10 ppm	Skin
75-43-4	Dichlorofluoromethane	10 ppm	15 ppm	
75-09-2	Dichloromethane	50 ppm	75 ppm	Schedule R
594-72-9	1,1-Dichloro-1-nitroethane	2 ppm	4 ppm	
542-75-6	1,3-Dichloropropene	1 ppm	2 ppm	Skin, Schedule R
75-99-0	2,2-Dichloropropionic acid, (inhalable fraction)	5 mg/m ³	10 mg/m ³	
76-14-2	Dichlorotetrafluoroethane	1000 ppm	1250 ppm	
62-73-7	Dichlorvos (DDVP), (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	Skin, SEN, Schedule R
141-66-2	Dicrotophos, (inhalable fraction and vapour)	0.05 mg/m ³	0.15 mg/m ³	Skin
77-73-6	Dicyclopentadiene	5 ppm	8 ppm	
102-54-5	Dicyclopentadienyl iron	10 mg/m ³	20 mg/m ³	
60-57-1	Dieldrin	0.25 mg/m ³	0.75 mg/m ³	Skin
683334-30-5; 68476-30-2; 68476-31-3;	Diesel fuel as total hydrocarbons, (vapour)	100 mg/m ³	150 mg/m ³	Skin

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
68476-34-6; 77650-28-3				
111-42-2	Diethanolamine	2 mg/m ³	4 mg/m ³	Skin
109-89-7	Diethylamine	5 ppm	15 ppm	Skin
100-37-8	2-Diethylaminoethanol	2 ppm	4 ppm	Skin
111-40-0	Diethylene triamine	1 ppm	2 ppm	Skin
96-22-0	Diethyl ketone	200 ppm	300 ppm	
84-66-2	Diethyl phthalate	5 mg/m ³	10 mg/m ³	
75-61-6	Difluorodibromomethane	100 ppm	125 ppm	
2238-7-5	Diglycidyl ether (DGE)	0.1 ppm	0.3 ppm	
108-83-8	Diisobutyl ketone	25 ppm	30 ppm	
108-18-9	Diisopropylamine	5 ppm	7 ppm	Skin
127-19-5	N,N-Dimethylacetamide	10 ppm	15 ppm	Skin
124-40-3	Dimethylamine	5 ppm	15 ppm	
121-69-7	Dimethylaniline (N,N-Dimethylaniline)	5 ppm	10 ppm	Skin
14857-34-2	Dimethylethoxysilane	0.5 ppm	1.5 ppm	
68-12-2	Dimethylformamide	10 ppm	15 ppm	Skin, Schedule R
57-14-7	1,1-Dimethylhydrazine	0.01 ppm	0.03 ppm	Skin, Schedule R
131-11-3	Dimethylphthalate	5 mg/m ³	10 mg/m ³	
77-78-1	Dimethyl sulphate	0.1 ppm	0.3 ppm	Skin, Schedule R
75-18-3	Dimethyl sulphide	10 ppm	20 ppm	
148-1-6	Dinitolmide	5 mg/m ³	10 mg/m ³	
528-29-0; 99-65-0; 100-25-4; 25154-54-5	Dinitrobenzene (all isomers)	0.15 ppm	0.30 ppm	Skin
534-52-1	Dinitro-o-cresol	0.2 mg/m ³	0.6 mg/m ³	Skin
25321-14-6	Dinitrotoluene	0.2 mg/m ³	0.6 mg/m ³	Skin, Schedule R
123-91-1	1,4-Dioxane	20 ppm	30 ppm	Skin, Schedule R
78-34-2	Dioxathion (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	Skin
646-06-0	1,3-Dioxolane	20 ppm	30 ppm	
122-39-4	Diphenylamine	10 mg/m ³	20 mg/m ³	
34590-94-8	Dipropylene glycol methyl ether (DPGME)	100 ppm	150 ppm	Skin
123-19-3	Dipropyl ketone	50 ppm	60 ppm	
2764-72-9; 85-00-7; 6385-62-2	Diquat: (inhalable fraction) (respirable fraction)	0.5 mg/m ³ 0.1 mg/m ³	1.5 mg/m ³ 0.3 mg/m ³	Skin Skin
117-81-7	Di-sec, octyl phthalate (Di-	5 mg/m ³	10 mg/m ³	Schedule R

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	2ethylhexyl phthalate or DEHP)			
97-77-8	Disulphiram	2 mg/m ³	4 mg/m ³	
298-04-4	Disulphoton, (inhalable fraction and vapour)	0.05 mg/m ³	0.15 mg/m ³	Skin
128-37-0	2,6-Di-tert-butyl-p-cresol (butylated hydroxytoluene or BHT) (inhalable fraction and vapour)	2 mg/m ³	4 mg/m ³	
330-54-1	Diuron	10 mg/m ³	20 mg/m ³	
1321-74-0	Divinyl benzene	10 ppm	15 ppm	
112-55-0	Dodecyl mercaptan	0.1 ppm	0.3 ppm	SEN
1302-74-5	Emery	10 mg/m ³	20 mg/m ³	
115-29-7	Endosulphan	0.1 mg/m ³	0.3 mg/m ³	Skin
72-20-8	Endrin	0.1 mg/m ³	0.3 mg/m ³	Skin
13838-16-9	Enflurane	75 ppm	100 ppm	
106-89-8	Epichlorohydrin	0.5 ppm	1.5 ppm	Skin, Schedule R
2104-64-5	EPN (inhalable fraction)	0.1 mg/m ³	0.3 mg/m ³	Skin
74-84-0	Ethane	See Aliphatic hydrocarbon gases [C1-C4]		
64-17-5	Ethanol	1000 ppm	1250 ppm	
141-43-5	Ethanolamine	3 ppm	6 ppm	
563-12-2	Ethion, (inhalable fraction and vapour)	0.05 mg/m ³	0.15 mg/m ³	Skin
110-80-5	2-Ethoxyethanol (Glycol monoethyl ether)	5 ppm	7 ppm	Skin
111-15-9	2-Ethoxyethyl acetate (Cellosolve acetate)	5 ppm	8 ppm	Skin
141-78-6	Ethyl acetate	400 ppm	500 ppm	
140-88-5	Ethyl acrylate	5 ppm	15 ppm	Schedule R
75-04-7	Ethylamine	5 ppm	15 ppm	Skin
541-85-5	Ethyl amyl ketone (5-Methyl-3heptanone)	25 ppm	30 ppm	
100-41-4	Ethyl benzene	100 ppm	125 ppm	Schedule R
74-96-4	Ethyl bromide	5 ppm	7 ppm	Skin
637-92-3	Ethyl tert-butyl ether	5 ppm	10 ppm	
106-35-4	Ethyl butyl ketone (3-Heptanone)	50 ppm	75 ppm	
75-00-3	Ethyl chloride	100 ppm	125 ppm	Skin
7085-85-0	Ethyl cyanoacrylate	0.2 ppm	0.6 ppm	
74-85-1	Ethylene	200 ppm	250 ppm	
107-15-3	Ethylenediamine	10 ppm	15 ppm	Skin
107-06-2	Ethylene dichloride	10 ppm	20 ppm	
107-21-1	Ethylene glycol, (as an aerosol)	**C 100 mg/m ³		
628-96-6	Ethylene glycol dinitrate	0.05 ppm	0.15 ppm	Skin

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	(EGDN)			
75-21-8	Ethylene oxide	1 ppm	2 ppm	Schedule R
151-56-4	Ethylenimine	0.5 ppm	1.5 ppm	Skin, Schedule R
60-29-7	Ethyl ether	400 ppm	500 ppm	
109-94-4	Ethyl formate	100 ppm	150 ppm	
149-57-5	2-Ethylhexanoic acid, (inhalable fraction and vapour)	5 mg/m ³	10 mg/m ³	
16219-75-3	Ethylidene norbornene	**C5 ppm		
75-08-1	Ethyl mercaptan	0.5 ppm	1.5 ppm	
100-74-3	N-Ethylmorpholine	5 ppm	8 ppm	Skin
78-10-4	Ethyl silicate	10 ppm	15 ppm	
22224-92-6	Fenamiphos	0.1 mg/m ³	0.3 mg/m ³	Skin
115-90-2	Fensulphothion (inhalable fraction and vapour)	0.01 mg/m ³	0.03 mg/m ³	Skin
55-38-9	Fenthion	0.2 mg/m ³	0.6 mg/m ³	Skin
14484-64-1	Ferbam	10 mg/m ³	20 mg/m ³	
12604-58-9	Ferrovandium dust	1 mg/m ³	3 mg/m ³	
-	Flour dust	3 mg/m ³	6 mg/m ³	SEN
-	Fluoride, (as F)	2.5 mg/m ³	5 mg/m ³	
7782-41-4	Fluorine	1 ppm	2 ppm	
944-22-9	Fonofos	0.1 mg/m ³	0.3 mg/m ³	Skin
50-00-0	Formaldehyde	**C0.3 ppm		SEN, Schedule R
75-12-7	Formamide	10 ppm	15 ppm	Skin
64-18-6	Formic acid	5 ppm	10 ppm	
98-01-1	Furfural	2 ppm	4 ppm	Skin
98-00-0	Furfuryl alcohol	10 ppm	15 ppm	Skin
1303-00-0	Gallium arsenide (respirable fraction)	0.0003 mg/m ³	0.0009 mg/m ³	
86290-81-5	Gasoline	300 ppm	500 ppm	
7782-65-2	Germanium tetrahydride	0.2 ppm	0.6 ppm	
111-30-8	Glutaraldehyde, activated and inactivated	**C0.05 ppm		SEN
56-81-5	Glycerin mist	10 mg/m ³	20 mg/m ³	
556-52-5	Glycidol	2 ppm	4 ppm	
107-22-2	Glyoxal, (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	SEN
-	Grain dust (oat, wheat, barley)	4 mg/m ³	8 mg/m ³	
7782-42-5	Graphite, natural-all forms except graphite fibres (respirable fraction)	2 mg/m ³	4 mg/m ³	
7778-18-9	Gypsum (Calcium sulphate)	10 mg/m ³	20 mg/m ³	
7440-58-6	Hafnium and compounds, (as Hf)	0.5 mg/m ³	1.5 mg/m ³	
151-67-7	Halothane	50 ppm	60 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
76-44-8; 1024-57-3	Heptachlor and Heptchlor epoxide	0.05 mg/m ³	0.15 mg/m ³	Skin, Schedule R
142-82-5	Heptane (n-Heptane)	400 ppm	500 ppm	
118-74-1	Hexachlorobenzene	0.002 mg/m ³	0.006 mg/m ³	Skin, Schedule R
87-68-3	Hexachlorobutadiene	0.02 ppm	0.06 ppm	Skin, Schedule R
77-47-4	Hexachlorocyclopentadiene	0.01 ppm	0.03 ppm	
67-72-1	Hexachloroethane	1 ppm	2 ppm	Skin, Schedule R
1335-87-1	Hexachloronaphthalene	0.2 mg/m ³	0.6 mg/m ³	Skin
684-16-2	Hexafluoroacetone	0.1 ppm	0.3 ppm	Skin
85-42-7; 13149-00-3; 14166-21-3	Hexahydrophthalic anhydride, (inhalable fraction and vapour), all isomers	**C0.005 mg/m ³		SEN
822-06-0	Hexamethylene diisocyanate	0.005 ppm	0.015 ppm	
110-54-3	Hexane (n-Hexane)	50 ppm	62.5 ppm	Skin
-	Hexane (other isomers)	500 ppm	1000 ppm	
124-09-4	Hexanediamine	0.5 ppm	1.0 ppm	
592-41-6	1-Hexene	50 ppm	75 ppm	
108-84-9	sec-Hexyl acetate	50 ppm	60 ppm	
107-41-5	Hexylene glycol	**C25 ppm		
302-01-2	Hydrazine	0.01 ppm	0.03 ppm	Skin, Schedule R
61788-32-7	Hydrogenated terphenyls (nonirradiated)	0.5 ppm	1.5 ppm	
10035-10-6	Hydrogen bromide	**C2 ppm		
7647-01-0	Hydrogen chloride	**C2 ppm		
-	Hydrogen cyanide and cyanide salts, (as CN):			
74-90-8	Hydrogen cyanide	**C4.7 ppm		Skin
592-01-8; 151-50-8; 143-33-9	Cyanide salts	**C 5 mg/m ³		Skin
7664-39-3	Hydrogen fluoride, (as F)	0.5 ppm	**C 2 ppm	
7722-84-1	Hydrogen peroxide	1 ppm	2 ppm	
7783-07-5	Hydrogen selenide, (as Se)	0.05 ppm	0.15 ppm	
7783-06-4	Hydrogen sulphide	10 ppm	15 ppm	
123-31-9	Hydroquinone	2 mg/m ³	4 mg/m ³	
999-61-1	2-Hydroxypropyl acrylate	0.5 ppm	1 ppm	Skin, SEN
95-13-6	Indene	10 ppm	15 ppm	
7440-74-6	Indium and Compounds, (as In)	0.1 mg/m ³	0.3 mg/m ³	Schedule R (Indium pho-sphide)
7553-56-2	Iodine	**C0.1 ppm		
75-47-8	Iodoform	0.6 ppm	1.2 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
1309-37-1	Iron oxide fume, (dust and fume) (Fe ₂ O ₃ , as Fe)	5 mg/m ³	10 mg/m ³	
13463-40-6	Iron pentacarbonyl, (as Fe)	0.1 ppm	0.2 ppm	
	Iron salts, soluble, (as Fe)	1 mg/m ³	3 mg/m ³	
123-51-3	Isoamyl alcohol	100 ppm	125 ppm	
110-19-0	Isobutyl acetate	150 ppm	188 ppm	
78-83-1	Isobutyl alcohol	50 ppm	60 ppm	
542-56-3	Isobutyl nitrite, (inhalable fraction and vapour)	**C1 ppm		
26952-21-6	Isooctyl alcohol	50 ppm	60 ppm	Skin
78-59-1	Isophorone	**C5 ppm		
4098-71-9	Isophorone diisocyanate	0.005 ppm	0.015 ppm	
109-59-1	2-Isopropoxyethanol	25 ppm	38 ppm	Skin
108-21-4	Isopropyl acetate	100 ppm	200 ppm	
67-63-0	Isopropyl alcohol	200 ppm	400 ppm	
75-31-0	Isopropylamine	5 ppm	10 ppm	
768-52-5	N-Isopropylaniline	2 ppm	4 ppm	Skin
108-20-3	Isopropyl ether	250 ppm	310 ppm	
4016-14-2	Isopropyl glycidyl ether (IGE)	50 ppm	75 ppm	
1332-58-7	Kaolin (respirable fraction)	2 mg/m ³	4 mg/m ³	
8008-20-6; 64742-81-0	Kerosene /Jet fuels, as total hydrocarbon vapour	200 mg/m ³	250 mg/m ³	Skin
463-51-4	Ketene	0.5 ppm	1.5 ppm	
7439-92-1	Lead and inorganic compounds, (as Pb)	0.05 mg/m ³	0.15 mg/m ³	Schedule R
3687-31-8	Lead arsenate, (as Pb ₃ (AsO ₄) ₂)	0.15 mg/m ³	0.45 mg/m ³	
7758-97-6	Lead chromate, (as Pb)	0.05 mg/m ³	0.15 mg/m ³	Schedule R
7758-97-6	Lead chromate, (as Cr)	0.012 mg/m ³	0.036 mg/m ³	Schedule R
1317-65-3; 471-34-1	Limestone (calcium carbonate)	10 mg/m ³	20 mg/m ³	
58-89-9	Lindane	0.5 mg/m ³	1.5 mg/m ³	Skin
7580-67-8	Lithium hydride	0.025 mg/m ³	0.075 mg/m ³	
68476-85-7	L.P.G. (liquified petroleum gas)	See Aliphatic hydrocarbon gases [C1-C4]		
546-93-0	Magnesite	10 mg/m ³	20 mg/m ³	
1309-48-4	Magnesium oxide (inhalable fraction)	10 mg/m ³	20 mg/m ³	
121-75-5	Malathion, (inhalable fraction and vapour)	1 mg/m ³	3 mg/m ³	Skin
108-31-6	Maleic anhydride	0.1 ppm	0.3 ppm	SEN
7439-96-5	Manganese and inorganic compounds, (as Mn)	0.2 mg/m ³	0.6 mg/m ³	
12079-65-1	Manganese cyclopentadienyl tricarbonyl, (as Mn)	0.1 mg/m ³	0.3 mg/m ³	Skin
7439-97-6	Mercury, (as Hg):			

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
-	Alkyl compounds	0.01 mg/m ³	0.03 mg/m ³	Skin
-	Aryl compounds	0.1 mg/m ³	0.3 mg/m ³	Skin
-	Inorganic forms, including metallic mercury	0.025 mg/m ³	0.075 mg/m ³	Skin
141-79-7	Mesityl oxide	15 ppm	25 ppm	
79-41-4	Methacrylic acid	20 ppm	30 ppm	
74-82-8	Methane	See Aliphatic hydrocarbon gases [C1-C4]		
16752-77-5	Methomyl	2.5 mg/m ³	5 mg/m ³	
72-43-5	Methoxychlor	10 mg/m ³	20 mg/m ³	
109-86-4	2-Methoxyethanol (Methylcellosolve-EGME)	5 ppm	8 ppm	Skin
110-49-6	2-Methoxyethyl acetate (Methyl cellosolve acetate-EGMEA)	5 ppm	8 ppm	Skin
150-76-5	4-Methoxyphenol	5 mg/m ³	10 mg/m ³	
79-20-9	Methyl acetate	200 ppm	250 ppm	
74-99-7	Methyl acetylene	1000 ppm	1250 ppm	
59355-75-8	Methyl acetylene-propadiene mixture (MAPP)	1000 ppm	1250 ppm	
96-33-3	Methyl acrylate	2 ppm	4 ppm	Skin, SEN
126-98-7	Methylacrylonitrile	1 ppm	2 ppm	Skin
109-87-5	Methylal (dimethoxy methane)	1000 ppm	1250 ppm	
67-56-1	Methyl alcohol (methanol)	200 ppm	250 ppm	Skin
74-89-5	Methylamine	5 ppm	15 ppm	
110-43-0	Methyl n-amyl ketone (2-Heptanone)	50 ppm	60 ppm	
100-61-8	N-Methylaniline	0.5 ppm	1 ppm	Skin
74-83-9	Methyl bromide	1 ppm	3 ppm	Skin
1634-04-4	Methyl tert-butyl ether (MTBE)	50 ppm	75 ppm	
591-78-6	Methyl n-butyl ketone	5 ppm	10 ppm	Skin
74-87-3	Methyl chloride	50 ppm	100 ppm	Skin
137-05-3	Methyl 2-cyanoacrylate	0.2 ppm	0.6 ppm	
108-87-2	Methylcyclohexane	400 ppm	500 ppm	
25639-42-3	Methylcyclohexanol	50 ppm	60 ppm	
583-60-8	o-Methylcyclohexanone	50 ppm	75 ppm	Skin
12108-13-3	2-Methylcyclopentadienyl manganese tricarbonyl, (as Mn)	0.2 mg/m ³	0.6 mg/m ³	Skin
8022-00-2	Methyl demeton	0.5 mg/m ³	1.5 mg/m ³	Skin
101-68-8	Methylene bisphenyl isocyanate (MDI)	0.005 ppm	0.015 ppm	
101-14-4	4,4'-Methylene bis (2-chloroaniline) (MBOCA, MOCA)	0.01 ppm	0.03 ppm	Skin, Schedule R
5124-30-1	Methylene bis (4-	0.005 ppm	0.015 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	cyclohexylisocyanate)			
75-09-2	Methylene chloride (dichloromethane)	50 ppm	63 ppm	
101-77-9	4,4'-Methylene dianiline	0.1 ppm	0.3 ppm	Skin, Schedule R
78-93-3	Methyl ethyl ketone (MEK)	200 ppm	300 ppm	
1338-23-4	Methyl ethyl ketone peroxide	**C0.2 ppm		
107-31-3	Methyl formate	100 ppm	150 ppm	
60-34-4	Methyl hydrazine	0.01 ppm	0.03 ppm	Skin, Schedule R
74-88-4	Methyl iodide	2 ppm	4 ppm	Skin, Schedule R
110-12-3	Methyl isoamyl ketone	50 ppm	60 ppm	
108-11-2	Methyl isobutyl carbinol	25 ppm	40 ppm	Skin
108-10-1	Methyl isobutyl ketone	50 ppm	75 ppm	
624-83-9	Methyl isocyanate	0.02 ppm	0.06 ppm	Skin
563-80-4	Methyl isopropyl ketone	200 ppm	250 ppm	
74-93-1	Methyl mercaptan	0.5 ppm	1.5 ppm	
80-62-6	Methyl methacrylate	50 ppm	100 ppm	SEN
298-00-0	Methyl parathion	0.2 mg/m ³	0.6 mg/m ³	Skin
107-87-9	Methyl propyl ketone	200 ppm	250 ppm	
681-84-5	Methyl silicate	1 ppm	2 ppm	
98-83-9	alpha-Methyl styrene	50 ppm	100 ppm	
78-94-4	Methyl vinyl ketone	**C0.2 ppm		Skin, SEN
21087-64-9	Metribuzin	5 mg/m ³	10 mg/m ³	
7786-34-7	Mevinphos (inhalable fraction and vapour)	0.01mg/m ³	0.03 mg/m ³	Skin
12001-26-2	Mica (respirable fraction)	3 mg/m ³	6 mg/m ³	
7439-98-7	Molybdenum, (as Mo):			
-	Soluble compounds, (respirable fraction)	0.5 mg/m ³	1.5 mg/m ³	
-	Metal and insoluble compounds, (inhalable fraction)	10 mg/m ³	20 mg/m ³	
-	Metal and insoluble compounds, (respirable fraction)	3 mg/m ³	6 mg/m ³	
6923-22-4	Monocrotophos (inhalable fraction and vapour)	0.05 mg/m ³	0.15 mg/m ³	Skin
110-91-8	Morpholine	20 ppm	30 ppm	Skin
300-76-5	Naled, (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	Skin, SEN
91-20-3	Naphthalene	10 ppm	15 ppm	Skin
8006-14-2	Natural gas	See Aliphatic hydrocarbon gases: Alkane		

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
		[C1-C4]		
9006-04-6	Natural rubber latex (as total proteins), (inhalable fraction)	0.001 mg/m ³	0.003 mg/m ³	Skin, SEN
7440-02-0	Nickel, (as Ni):			
-	Elemental (inhalable fraction)	1.5 mg/m ³	3 mg/m ³	Schedule R
-	Soluble inorganic compounds, (not otherwise specified) (inhalable fraction)	0.1 mg/m ³	0.3 mg/m ³	
-	Insoluble inorganic, (as not otherwise specified) (inhalable fraction)	0.2 mg/m ³	0.6 mg/m ³	
12035-72-2	Nickel subsulphide, (as Ni), (inhalable fraction)	0.1 mg/m ³	0.3 mg/m ³	Schedule R
13463-39-3	Nickel carbonyl, (as Ni)	0.05 ppm	0.15 ppm	
54-11-5	Nicotine	0.5 mg/m ³	1.5 mg/m ³	Skin
1929-82-4	Nitrapyrin	10 mg/m ³	20 mg/m ³	
7697-37-2	Nitric acid	2 ppm	4 ppm	
10102-43-9	Nitric oxide	25 ppm	38 ppm	
100-01-6	p-Nitroaniline	3 mg/m ³	6 mg/m ³	Skin
98-95-3	Nitrobenzene	1 ppm	2 ppm	Skin
100-00-5	p-Nitrochlorobenzene	0.1 ppm	0.3 ppm	Skin
79-24-3	Nitroethane	100 ppm	125 ppm	
10102-44-0	Nitrogen dioxide	3 ppm	5 ppm	
7783-54-2	Nitrogen trifluoride	10 ppm	20 ppm	
55-63-0	Nitroglycerin (NG)	0.05 ppm	0.15 ppm	Skin
75-52-5	Nitromethane	20 ppm	30 ppm	
108-03-2	1-Nitropropane	25 ppm	40 ppm	
79-46-9	2-Nitropropane	10 ppm	20 ppm	Schedule R
88-72-2; 99-08-1; 99-99-0	Nitrotoluene isomers	2 ppm	3 ppm	Skin
10024-97-2	Nitrous oxide	50 ppm	75 ppm	
111-84-2	Nonane, all isomers	200 ppm	250 ppm	
2234-13-1	Octachloronaphthalene	0.1 mg/m ³	0.3 mg/m ³	Skin
111-65-9	Octane, all isomers	300 ppm	375 ppm	
8012-95-1	Oil mist, mineral	5 mg/m ³	10 mg/m ³	
20816-12-0	Osmium tetroxide, (as Os)	0.0002 ppm	0.0006 ppm	
144-62-7	Oxalic acid	1 mg/m ³	2 mg/m ³	
80-51-3	p,p'-Oxybis(benzenesulphonyl hydrazide), (inhalable fraction)	0.1 mg/m ³	0.3 mg/m ³	
7783-41-7	Oxygen difluoride	**C0.05 ppm		
10028-15-6	Ozone	0.05 ppm	0.15 ppm	
8002-74-2	Paraffin wax fume	2 mg/m ³	4 mg/m ³	
4685-14-7	Paraquat, total dust	0.5 mg/m ³	1.5 mg/m ³	
-	Paraquat, (respirable fraction)	0.1 mg/m ³	0.3 mg/m ³	
56-38-2	Parathion, (inhalable fraction)	0.05 mg/m ³	0.15 mg/m ³	Skin

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	and vapour)			
-	Particulate polycyclic aromatic hydrocarbons (PPAH), as benzene solubles, See Coal tar pitch volatiles	0.2 mg/m ³	0.6 mg/m ³	Schedule R
-	Particles (Insoluble or Poorly Soluble) Not Otherwise Specified:			
-	Inhalable fraction	10 mg/m ³	20 mg/m ³	
-	Respirable fraction	3 mg/m ³	6 mg/m ³	
19624-22-7	Pentaborane	0.005 ppm	0.015 ppm	
1321-64-8	Pentachloronaphthalene	0.5 mg/m ³	1.5 mg/m ³	Skin
82-68-8	Pentachloronitrobenzene	0.5 mg/m ³	1.5 mg/m ³	
87-86-5	Pentachlorophenol	0.5 mg/m ³	1.5 mg/m ³	Skin
115-77-5	Pentaerythritol	10 mg/m ³	20 mg/m ³	
78-78-4; 109-66-0; 463-82-1	Pentane, all isomers	600 ppm	750 ppm	
628-63-7; 626-38-0; 123-92-2; 625-16-1; 624-41-9; 620-11-1	Pentyl acetate, all isomers	50 ppm	100 ppm	
594-42-3	Perchloromethyl mercaptan	0.1 ppm	0.3 ppm	
7616-94-6	Perchloryl fluoride	3 ppm	6 ppm	
19430-93-4	Perfluorobutyl ethylene	100 ppm	150 ppm	
382-21-8	Perfluoroisobutylene	**C0.01 ppm		
93763-70-3	Perlite	10 mg/m ³	20 mg/m ³	
-	Persulphates, as persulphate	0.1 mg/m ³	0.3 mg/m ³	
108-95-2	Phenol	5 ppm	7.5 ppm	Skin
92-84-2	Phenothiazine	5 mg/m ³	10 mg/m ³	Skin
95-54-5; 108-45-2; 106-50-3	Phenylene diamine isomers	0.1 mg/m ³	0.3 mg/m ³	
101-84-8	Phenyl ether (vapour)	1 ppm	2 ppm	
122-60-1	Phenyl glycidyl ether (PGE)	0.1 ppm	0.3 ppm	Skin, SEN, Schedule R
100-63-0	Phenyl hydrazine	0.1 ppm	0.3 ppm	Skin, Schedule R
108-98-5	Phenyl mercaptan	0.1 ppm	0.3 ppm	Skin
638-21-1	Phenylphosphine	**C0.05 ppm		
298-02-2	Phorate (inhalable fraction and vapour)	0.05 mg/m ³	0.2 mg/m ³	Skin
75-44-5	Phosgene (Carbonyl chloride)	0.1 ppm	0.3 ppm	
7803-51-2	Phosphine	0.3 ppm	1 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
7664-38-2	Phosphoric acid	1 mg/m ³	3 mg/m ³	
12185-10-3	Phosphorus (yellow)	0.1 mg/m ³	0.3 mg/m ³	
10025-87-3	Phosphorous oxychloride	0.1 ppm	0.3 ppm	
10026-13-8	Phosphorous pentachloride	0.1 ppm	0.3 ppm	
1314-80-3	Phosphorous pentasulphide	1 mg/m ³	3 mg/m ³	
7719-12-2	Phosphorous trichloride	0.2 ppm	0.5 ppm	
85-44-9	Phthalic anhydride	1 ppm	2 ppm	SEN
626-17-5	m-Phthalodinitrile	5 mg/m ³	10 mg/m ³	
1918-02-1	Picloram	10 mg/m ³	20 mg/m ³	
88-89-1	Picric acid	0.1 mg/m ³	0.3 mg/m ³	
83-26-1	Pindone	0.1 mg/m ³	0.3 mg/m ³	
142-64-3	Piperazine dihydrochloride	5 mg/m ³	10 mg/m ³	
7778-18-9	Plaster of Paris (Calcium sulphate)	10 mg/m ³	20 mg/m ³	
7440-06-4	Platinum:			
-	metal	1 mg/m ³	3 mg/m ³	
-	soluble salt, (as Pt)	0.002 mg/m ³	0.006 mg/m ³	
65997-15-1	Portland cement	10 mg/m ³	20 mg/m ³	
1310-58-3	Potassium hydroxide	**C2 mg/m ³		
74-98-6	Propane	See Aliphatic hydrocarbon gases [C1-C4]		
107-19-7	Propargyl alcohol	1 ppm	3 ppm	Skin
57-57-8	beta-Propiolactone	0.5 ppm	1 ppm	Schedule R
123-38-6	Propionaldehyde	20 ppm	30 ppm	
79-09-4	Propionic acid	10 ppm	15 ppm	
114-26-1	Propoxur	0.5 mg/m ³	1.5 mg/m ³	
109-60-4	n-Propyl acetate	200 ppm	250 ppm	
71-23-8	Propyl alcohol (n-propanol)	200 ppm	400 ppm	
78-87-5	Propylene dichloride	75 ppm	110 ppm	
6423-43-4	Propylene glycol dinitrate	0.05 ppm	0.15 ppm	Skin
107-98-2	Propylene glycol monomethyl ether (PGME or 1-methoxy-2-propanol)	100 ppm	150 ppm	
75-56-9	Propylene oxide	2 ppm	4 ppm	SEN, Schedule R
75-55-8	Propylenimine	2 ppm	4 ppm	Skin, Schedule R
627-13-4	n-Propyl nitrate	25 ppm	40 ppm	
8003-34-7	Pyrethrum	5 mg/m ³	10 mg/m ³	
110-86-1	Pyridine	1 ppm	3 ppm	
106-51-4	Quinone	0.1 ppm	0.3 ppm	
108-46-3	Resorcinol	10 ppm	20 ppm	
7440-16-6	Rhodium, (as Rh):			
-	Metal and insoluble compounds	1 mg/m ³	3 mg/m ³	

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-	Soluble compounds	0.01 mg/m ³	0.03 mg/m ³	
299-84-3	Ronnel	10 mg/m ³	20 mg/m ³	
83-79-4	Rotenone (commercial)	5 mg/m ³	10 mg/m ³	
-	Rouge	10 mg/m ³	20 mg/m ³	
8030-30-6	Rubber solvent (Naphtha)	400 ppm	500 ppm	
7782-49-2	Selenium and compounds, (as Se)	0.2 mg/m ³	0.6 mg/m ³	
7783-79-1	Selenium hexafluoride, (as Se)	0.05 ppm	0.15 ppm	
136-78-7	Sesone	10 mg/m ³	20 mg/m ³	
-	Silica Amorphous:			
61790-53-2	Diatomaceous earth (uncalcined) (inhalable fraction)	10 mg/m ³	20 mg/m ³	
61790-53-2	Diatomaceous earth (uncalcined) (respirable fraction)	3 mg/m ³	6 mg/m ³	
112926-00-8	Precipitated silica and silica gel	10 mg/m ³	20 mg/m ³	
69012-46-2	Silica, fume (respirable fraction)	2 mg/m ³		
60676-86-0	Silica, fused (respirable fraction)	0.1 mg/m ³		
-	Silica - Crystalline#:			
14464-46-1	Cristobalite (respirable fraction)	0.05 mg/m ³		
14808-60-7	Quartz (respirable fraction)	0.05 mg/m ³		Schedule R
1317-95-9	Tripoli, as quartz (respirable fraction)	0.1 mg/m ³		
7440-21-3	Silicon	10 mg/m ³	20 mg/m ³	
409-21-2	Silicon Carbide			
-	Nonfibrous, (inhalable fraction)	10 mg/m ³	20 mg/m ³	
-	Nonfibrous, (respirable fraction)	3 mg/m ³	6 mg/m ³	
-	Fibrous (including whiskers), (respirable fibres)	0.1 f/cc##		Schedule R
7803-62-5	Silicon tetrahydride (Silane)	5 ppm	10 ppm	
7440-22-4	Silver, metal	0.1 mg/m ³	0.3 mg/m ³	
-	Silver soluble compounds, (as Ag)	0.01 mg/m ³	0.03 mg/m ³	
-	Soapstone (total dust)	6 mg/m ³		
-	Soapstone (respirable fraction)	3 mg/m ³	6 mg/m ³	
26628-22-8	Sodium azide:			
-	as Sodium azide	**C0.29 mg/m ³		
-	as Hydrazoic acid vapour	**C0.11 ppm		
7631-90-5	Sodium bisulphite	5 mg/m ³	10 mg/m ³	
62-74-8	Sodium fluoroacetate	0.05 mg/m ³	0.15 mg/m ³	Skin
1310-73-2	Sodium hydroxide	**C2 mg/m ³		

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
7681-57-4	Sodium metabisulphite	5 mg/m ³	10 mg/m ³	
9005-25-8	Starch	10 mg/m ³	20 mg/m ³	
-	Stearates	10 mg/m ³	20 mg/m ³	
7803-52-3	Stibine (Antimony hydride)	0.1 ppm	0.3 ppm	
8052-41-3	Stoddard solvent	100 ppm	125 ppm	
7789-06-2	Strontium chromate, (as Cr)	0.0005 mg/m ³	0.0015 mg/m ³	Schedule R
57-24-9	Strychnine	0.15 mg/m ³	0.45 mg/m ³	
100-42-5	Styrene, monomer	20 ppm	40 ppm	Schedule R
1395-21-7; 9014-01-1	Subtilisins, (as crystalline active enzyme)	**C0.00006 mg/m ³		
57-50-1	Sucrose	10 mg/m ³	20 mg/m ³	
74222-97-2	Sulphometuron methyl	5 mg/m ³	10 mg/m ³	
3689-24-5	Sulphotep (TEDP) (inhalable fraction and vapour)	0.1 mg/m ³	0.3 mg/m ³	Skin
7446-09-5	Sulphur dioxide	2 ppm	5 ppm	
2551-62-4	Sulphur hexafluoride	1000 ppm	1250 ppm	
7664-93-9	Sulphuric acid, (thoracic fraction)	0.2 mg/m ³	0.6 mg/m ³	Schedule R, strong acid mists only
10025-67-9	Sulphur monochloride	**C1 ppm		
5714-22-7	Sulphur pentafluoride	**C0.01 ppm		
7783-60-0	Sulphur tetrafluoride	**C0.1 ppm		
2699-79-8	Sulphuryl fluoride 5 ppm	5 ppm	10 ppm	
35400-43-2	Sulprofos	1 mg/m ³	3 mg/m ³	
-	Synthetic Vitreous Fibres:			
-	Continous filament glass fibres, (respirable fibres)	1 f/cc##	3 f/cc	
-	Continous filament glass fibres, (inhalable fraction)	5 mg/m ³	10 mg/m ³	
-	Glass wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
-	Rock wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
-	Slag wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
-	Special purpose glass fibres, (respirable fibres)	1 f/cc	3 f/cc	
-	Refractory ceramic fibres, (respirable fibres)	0.2 f/cc		Schedule R
93-76-5	2,4,5-T	10 mg/m ³	20 mg/m ³	
14807-96-6	Talc, (respirable fraction)	2 mg/m ³		
7440-25-7	Tantalum metal and oxide, (as Ta)	5 mg/m ³	10 mg/m ³	
7783-80-4	Tellurium hexafluoride, (as Te)	0.02 ppm	0.03 ppm	
13494-80-9	Tellurium and other tellurium compounds, (as Te) excluding	0.1 mg/m ³	0.3 mg/m ³	

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
	hydrogen telluride			
3383-96-8	Temephos, (inhalable fraction and vapour)	1 mg/m ³	3 mg/m ³	Skin
13071-79-9	Terbufos, (inhalable fraction and vapour)	0.01 mg/m ³	0.03 mg/m ³	Skin
100-21-0	Terephthalic acid	10 mg/m ³	20 mg/m ³	
26140-60-3	Terphenyls	**C5 mg/m ³		
76-11-9	1,1,1,2-Tetrachloro-2, 2-difluoroethane	500 ppm	625 ppm	
76-12-0	1,1,2,2-Tetrachloro-1, 2-difluoroethane	500 ppm	625 ppm	
79-34-5	1,1,2,2-Tetrachloroethane	1 ppm	2 ppm	Skin
127-18-4	Tetrachloroethylene (Perchloroethylene)	25 ppm	100 ppm	Schedule R
1335-88-2	Tetrachloronaphthalene	2 mg/m ³	4 mg/m ³	
78-00-2	Tetraethyl lead, (as Pb)	0.1 mg/m ³	0.3 mg/m ³	Skin
107-49-3	Tetraethyl pyrophosphate (TEPP)	0.05 mg/m ³	0.15 mg/m ³	Skin
116-14-3	Tetrafluoroethylene	2 ppm	4 ppm	Schedule R
109-99-9	Tetrahydrofuran	50 ppm	100 ppm	Skin
-	Tetrakis (hydroxymethyl) phosphonium salts:			
124-64-1	Tetrakis (hydroxymethyl) phosphonium chloride	2 mg/m ³	4 mg/m ³	
55566-30-8	Tetrakis (hydroxymethyl) phosphonium sulphate	2 mg/m ³	4 mg/m ³	SEN
75-74-1	Tetramethyl lead, (as Pb)	0.15 mg/m ³	0.45 mg/m ³	Skin
3333-52-6	Tetramethyl succinonitrile	0.5 ppm	1 ppm	Skin
509-14-8	Tetranitromethane	0.005 ppm	0.015 ppm	Schedule R
7722-88-5	Tetrasodium pyrophosphate	5 mg/m ³	10 mg/m ³	
479-45-8	Tetryl (2,4,6-trinitrophenyl-methyl nitramine)	1.5 mg/m ³	3 mg/m ³	
7440-28-0	Thallium and soluble compounds, (as Tl)	0.1 mg/m ³	0.3 mg/m ³	Skin
96-69-5	4,4'-Thiobis (6-tert-butyl-m-cresol)	10 mg/m ³	20 mg/m ³	
68-11-1	Thioglycolic acid	1 ppm	2 ppm	Skin
7719-09-7	Thionyl chloride	**C1 ppm		
137-26-8	Thiram	1 mg/m ³	3 mg/m ³	
7440-31-5	Tin, (as Sn):			
-	metal	2 mg/m ³	4 mg/m ³	
-	oxide and inorganic compounds except SnH ₄	2 mg/m ³	4 mg/m ³	
-	organic compounds	0.1 mg/m ³	0.2 mg/m ³	Skin
13463-67-7	Titanium dioxide	10 mg/m ³	20 mg/m ³	
108-88-3	Toluene (toluol)	50 ppm	60 ppm	Skin

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
584-84-9; 91-08-7	Toluene-2,4- or 2,6-diisocyanate (TDI)	0.005 ppm	0.02 ppm	SEN
95-53-4	o-Toluidine	2 ppm	4 ppm	Skin, Schedule R
108-44-1	m-Toluidine	2 ppm	4 ppm	Skin
106-49-0	p-Toluidine	2 ppm	4 ppm	Skin, Schedule R
126-73-8	Tributyl phosphate	0.2 ppm	0.4 ppm	
76-03-9	Trichloroacetic acid	1 ppm	2 ppm	
120-82-1	1,2,4-Trichlorobenzene	**C5 ppm		
71-55-6	1,1,1-Trichloroethane	350 ppm	450 ppm	
79-00-5	1,1,2-Trichloroethane	10 ppm	15 ppm	Skin
79-01-6	Trichloroethylene	50 ppm	100 ppm	
75-69-4	Trichlorofluoromethane	**C1000 ppm		
1321-65-9	Trichloronaphthalene	5 mg/m ³	10 mg/m ³	Skin
96-18-4	1,2,3-Trichloropropane	10 ppm	15 ppm	Skin
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	1000 ppm	1250 ppm	
52-68-6	Trichlorphon, (inhalable fraction)	1 mg/m ³	3 mg/m ³	
102-71-6	Triethanolamine	5 mg/m ³	10 mg/m ³	
121-44-8	Triethylamine	1 ppm	3 ppm	Skin
75-63-8	Trifluorobromomethane	1000 ppm	1200 ppm	
2451-62-9	1,3,5-Triglycidyl-s-triazinetrione	0.05 mg/m ³	0.15 mg/m ³	
552-30-7	Trimellitic anhydride	**C0.04 mg/m ³		
75-50-3	Trimethylamine	5 ppm	15 ppm	
25551-13-7	Trimethyl benzene (mixed isomer)	25 ppm	30 ppm	
121-45-9	Trimethyl phosphite	2 ppm	4 ppm	
118-96-7	2,4,6-Trinitrotoluene (TNT)	0.1 mg/m ³	0.3 mg/m ³	Skin
78-30-8	Triorthocresyl phosphate	0.1 mg/m ³	0.3 mg/m ³	Skin
603-34-9	Triphenylamine	5 mg/m ³	10 mg/m ³	
115-86-6	Triphenyl phosphate	3 mg/m ³	6 mg/m ³	
7440-33-7	Tungsten, (as W):			
-	metal and insoluble compounds	5 mg/m ³	10 mg/m ³	
-	soluble compounds	1 mg/m ³	3 mg/m ³	
8006-64-2; 80-56-8; 127-91-3; 13466-78-9	Turpentine and selected monoterpenes	20 ppm	30 ppm	SEN
7440-61-1	Uranium (natural)			
-	Soluble and insoluble compounds, (as U)	0.2 mg/m ³	0.6 mg/m ³	Schedule R
110-62-3	n-Valeraldehyde	50 ppm	60 ppm	

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1314-62-1	Vanadium pentoxide, as V ₂ O ₅ , dust and fume (respirable fraction)	0.05 mg/m ³	0.15 mg/m ³	
-	Vegetable oil mists	10 mg/m ³	20 mg/m ³	
108-05-4	Vinyl acetate	10 ppm	15 ppm	
593-60-2	Vinyl bromide	0.5 ppm	1.5 ppm	Schedule R
100-40-3	4-Vinyl cyclohexene	0.1 ppm	0.3 ppm	Schedule R
106-87-6	Vinyl cyclohexene dioxide	0.1 ppm	0.3 ppm	Skin, Schedule R
75-02-5	Vinyl fluoride	1 ppm	3 ppm	Schedule R
88-12-0	N-Vinyl-2-pyrrolidone	0.05 ppm	0.15 ppm	
75-35-4	Vinylidene chloride	5 ppm	10 ppm	
75-38-7	Vinylidene fluoride	500 ppm	625 ppm	
25013-15-4	Vinyl toluene	50 ppm	100 ppm	
8032-32-4	VM and P Naphtha	300 ppm	375 ppm	
81-81-2	Warfarin	0.1 mg/m ³	0.3 mg/m ³	
-	Welding fumes	5 mg/m ³	10 mg/m ³	
-	Wood dust:			
-	Softwoods	5 mg/m ³	10 mg/m ³	Schedule R (certain species), SEN* (certain species, see list at end of table)
-	Certain hardwoods such as beech and oak	1 mg/m ³	3 mg/m ³	Schedule R (certain species), SEN* (certain species, see list at end of table)
1330-20-7; 95-47-6; 108-38-3; 106-42-3	Xylene (o, m-, p-isomers)	100 ppm	150 ppm	
1477-55-0	m-Xylene alpha, alpha'-diamine	**C0.1 mg/m ³		Skin
1300-73-8	Xylidine, mixed isomers (inhalable fraction and vapour)	0.5 ppm	1 ppm	Schedule R, Skin
7440-65-5	Yttrium metal and compounds, (as Y)	1 mg/m ³	3 mg/m ³	
7646-85-7	Zinc chloride fume	1 mg/m ³	2 mg/m ³	
13530-65-9; 11103-86-9;	Zinc chromates, as Cr	0.01 mg/m ³	0.03 mg/m ³	Schedule R

CAS Number	Substance	8 hour average contamination limit mg/m ³ * or ppm*	15 minute average contamination limit mg/m ³ * or ppm*	Notation+
37300-23-5				
1314-13-2	Zinc oxide, fume and dust (respirable fraction)	2 mg/m ³	10 mg/m ³	
7440-67-7	Zirconium and compounds, (as Zr)	5 mg/m ³	10 mg/m ³	

Notes:

- *mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
- **C - ceiling limit
- # - Trydimite removed
- ## - Fibres per cubic centimetre of air

+ - Explanation of Notations:

- Schedule R- Substance is also listed in Schedule R and subject to sections to referred to in that Schedule
- Skin - Potentially harmful after absorption through the skin or mucous membranes
- SEN - Well demonstrated potential to produce sensitization
- SEN* - Wood species suspected of inducing sensitization (see Table D)

Table A

Inhalable fraction:

For the application of this limit, inhalable fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (µm)	Inhalable Particulate Mass (IPM) (%)
-	100
1	97
2	94
5	87
10	77
20	65
30	58
40	54.5
50	52.5
100	50

Table BRespirable fraction:

For the application of this limit, respirable fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (μm)	Respirable Particulate Mass (RPM) (%)
0	100
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Table CThoracic fraction:

For the application of this limit, thoracic fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (μm)	Thoracic Particulate Mass (TPM)(%)
0	100
2	94
4	89
6	80.5
8	67
10	50
12	35
14	23
16	15
18	9.5
20	6
25	2

Table D

Commercially Important Tree Species Suspected of Inducing Sensitization

Wood Type	Common	Latin
Softwood	California redwood	<i>Sequoia sempervirens</i>
	Eastern white cedar	<i>Thuja occidentalis</i>
	Pine	<i>Pinus</i>
	Western red cedar	<i>Thuja plicata</i>
Hardwood	Ash	<i>Fraxinus americana</i>
	Aspen/Poplar/Cottonwood	<i>Populus</i>
	Beech	<i>Fagus</i>
	Oak	<i>Quercus</i>
Tropical Wood	Abirucana	<i>Pouteria</i>
	African zebra	<i>Microberlinia</i>
	Antiaris	<i>Antiaris africana</i> <i>Antiaris toxicara</i>
	Cabreuva	<i>Myrcarpus fastigiatus</i>
	Cedar of Lebanon	<i>Cedra libani</i>
	Central American walnut	<i>Juglans olanchana</i>
	Cocabolla	<i>Dalbergia retusa</i>
	African ebony	<i>Diospryos crassiflora</i>
	Fernam bouc	<i>Caesalpinia</i>
	Honduras rosewood	<i>Dalbergia stevensonii</i>
	Iroko or kambala	<i>Chlorophora excelsa</i>
	Kejaat	<i>Pterocarpus angolensis</i>
	Kotobe	<i>Nesorgordonia papaverifera</i>
	Limba	<i>Terminalia superba</i>
	Mahogany (African)	<i>Khaya spp.</i>
	Makore	<i>Tieghemella heckelii</i>
	Mansonia/Beté	<i>Mansonia altissima</i>
	Nara	<i>Pterocarpus indicus</i>
	Obeche/African maple/Samba	<i>Triplochiton scleroxylon</i>
	Palisander/Brazilian rosewood/ Tulip wood/Jakaranda	<i>Dalbergia nigra</i>
	Pau marfim	<i>Balfourdendron riedelianum</i>
	Ramin	<i>Gonystylus bancanus</i>
Soapbark dust	<i>Quillaja saponaria</i>	
Spindle tree wood	<i>Euonymus europaeus</i>	

SCHEDULE S.1

(Section 351)

Organ or Tissue Weighting Factors

Item	Column 1 Organ or Tissue	Column 2 Weighting Factor
1	Gonads (testes or ovaries)	0.20
2	Red bone marrow	0.12
3	Colon	0.12
4	Lung	0.12
5	Stomach	0.12
6	Bladder	0.05
7	Breast	0.05
8	Liver	0.05
9	Oesophagus	0.05
10	Thyroid gland	0.05
11	Skin ¹	0.01
12	Bone Surfaces	0.01
13	All organs and tissues not listed in items 1 to 12 (remainder organs and tissues) collectively, including the adrenal gland, brain, extra-thoracic airway, small intestine, kidney, muscles, pancreas, spleen, thymus and uterus ^{2,3}	0.05
14	Whole body	1.00

¹ The weighting factor for skin applies only when the skin of the whole body is exposed.

² When the equivalent dose received by and committed to one of these remainder organs and tissues exceeds the equivalent dose received by and committed to any one of the organs and tissues listed in items 1 to 12, a weighting factor of 0.025 must be applied to that remainder organ or tissue and a weighting factor of 0.025 must be applied to the average equivalent dose received by and committed to the rest of the remainder organs and tissues.

³ Hands, feet and the lens of an eye have no weighting factor.

SCHEDULE S.2

(Subsections 354(1), 354.1(2), (3) and (4))

Effective Dose Limit

Item	Column 1 Person	Column 2 Period	Column 3 Effective Dose (millisievert)
1	Occupational worker, including a pregnant occupational worker	(a) One year dosimetry period (b) Five year dosimetry period	50 100
2	Pregnant occupational worker	Balance of the pregnancy	4
3	A person who is not an occupational worker	One calendar year	1

SCHEDULE S.3

(Subsection 354(1))

Specific Equivalent Dose Limits

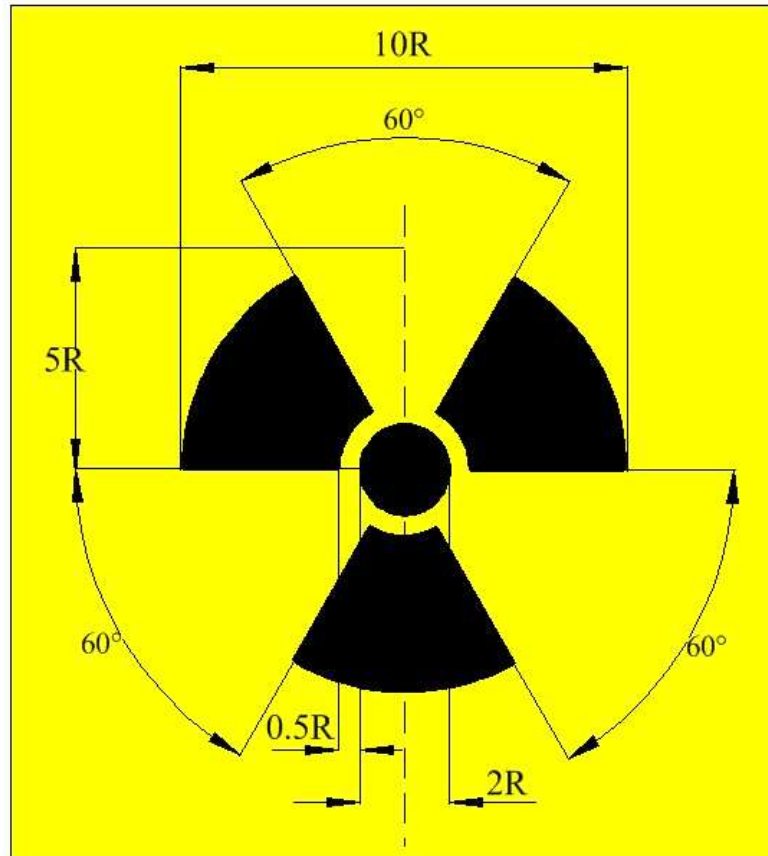
Item	Column 1 Organ or Tissue	Column 2 Person	Column 3 Period	Column 4 Equivalent Dose (millisievert)
1	Lens of an eye	(a) Occupational worker	One year dosimetry period	150
		(b) Any other person	One calendar year	15
2	Skin ¹	(a) Occupational worker	One year dosimetry period	500
		(b) Any other person	One calendar year	50
3	Hands and feet	(a) Occupational worker	One year dosimetry period	500
		(b) Any other person	One calendar year	50

¹ When skin is unevenly irradiated, the equivalent dose received by the skin is the average equivalent dose over the 1 cm² area that received the highest equivalent dose.

SCHEDULE S.4

(Section 360.4)

Radiation Warning Symbol



NOTES

1. R = Radius of the central disc.
2. The three blades and the central disk of the symbol must be
 - (a) magenta or black (shaded portions); and
 - (b) located on a yellow background.
3. Dimensioning lines are not part of the symbol.

SCHEDULE T

(Subsections 462(4), (6), (7),
(8), (9) and (10))

Minimum Distances from Exposed
Energized High Voltage Electrical Conductors

Voltage Phase to Phase (kV)	Voltage to Ground (kV)	Column 1 Metres (m)	Column 2 Metres (m)	Column 3 Metres (m)	Column 4 Metres (m)	Column 5 Metres (m)	Column 6 Metres (m)
230	133	6.1	1.4	1.83	2.4	1.41	1.85
138	79.8	4.6	1	1.22	1.9	0.92	1.35
72	41.6	4.6	0.6	0.8	1.6	0.61	1.05
25	14.4	3	0.3	0.6	1.2	0.12	0.55
15	8.6	3	0.3	0.6	1.1	0.12	0.55
4.16	2.4	3	0.15	0.6	1.05	0.04	0.50
0.75	0.75	3	0.15	0.6	1.05	0.04	0.05