

Workplace Safety Strategy

In April of 2012, the Workers' Compensation Board and Labour and Advanced Education asked Nova Scotians to share their views on where the greatest opportunities lay to improve workplace safety for the next 5 years.

Over the past year, having considered your input, the Board and the Department have worked together to develop a new strategy to make the province's workplaces safer.

Now we are looking to share the draft Workplace Safety Strategy with all Nova Scotians for your comments. The draft includes results of the province-wide consultations with key stakeholders and research.

The focus is on providing an approach to effectively improve safety management practices in our workplaces; with the ultimate goal of making Nova Scotia a leader in workplace safety.

To access the draft please click on: [Draft Workplace Safety Strategy 2013—2017](#)

Your comments on the Strategy may be directed to WSS@gov.ns.ca

You may also comment directly on-line by going to the following page (comment box at bottom of page) [Draft Workplace Safety Strategy 2013-2017](#).

A Workplace Safety Strategy for Nova Scotians: 2013-2017

A safe Nova Scotia is a productive Nova Scotia.

Deaths, injuries, work-related illnesses, risk to life and limb are not part of the job. No family should suffer a lost loved one; no worker a debilitating injury or illness at work. No workplace should bear the loss. When all Nova Scotians believe every workplace injury or illness can be prevented – and when prevention is engrained in every workplace culture – Nova Scotians will be safe at work.

A culture of workplace safety is growing in Nova Scotia. It must be nurtured and expanded until all Nova Scotians are aware of and care about the safety performance of their workplace and work to improve that performance. Everyone should feel safe at work. Nova Scotia has many examples of workplace safety excellence. Unfortunately, it has as many examples where risk and injuries are "part of the job." Tragedy at sea, for instance, should become a bygone fishing tradition.

Nova Scotia is a safer place to work today than 10 years ago. Workers' compensation claims declined 28 per cent and the number time loss injuries fell about 30 per cent over the past decade. But Nova Scotia still lags other Canadian jurisdictions and is in the middle of the pack in most workplace injury measures.

Some still see workplace safety as a cost. Safety leaders report the opposite. Safety pays, through less time lost, but more importantly, through increased productivity, enhanced morale and loyalty. A safer province is a more productive and prosperous province.

Over the next decade, the nature of work in our province will change. New economic developments like the shipbuilding contract, changing demographics and new technologies will bring new challenges but also new opportunities to improve workplace safety.

Safety leadership – from the top and from every rung on the organizational ladder – is key. Government's role is as the policy-maker, regulator and enforcer, but it must also lead by the example set across the wider public sector.

This 2013-2017 Workplace Safety Strategy retains what worked from the 2003 strategy and focuses new initiatives in areas Nova Scotians identified as priorities during province-wide consultations. Extensive research, including best practices elsewhere, sharpened the focus.

The success of this strategy depends on workers, employers, industry and labour leaders, government, the Occupational Health and Safety Advisory Council and all partners in safety coming together to strengthen the culture of safety in Nova Scotia workplaces. No person or organization can do it alone, but collective effort and strong leadership can and will.

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31st Annual Health and Safety Conference—SSNS

The 31st health and safety conference will once again take place at the Westin Hotel in Halifax on March 20-21/2013.

Costs for the event are:

- Before Dec 31— member \$440; non-member \$550
- Up to Feb 19— member \$510; non-

member \$ 630

- After Feb 19— member \$580; non-member \$710

If you are unable to attend the full conference, Safety Services Nova Scotia has introduced, new for this year, 1 day rates for members and non-members as well.

Now is the time to plan for this event. Registration for exhibitors/booth and conference delegates is now open; go to:

[Exhibitor Registration](#)

[Delegate Registration](#)

Some of the items you can expect are: sessions appealing to joint committees, supervisors, those

new to the workplace or new to health and safety— something for everyone; professional development workshops for experienced professionals and designation maintenance points from most professional associations for conference attendance; peer networking and of course all-star guest speakers.

Work Refusals—some basic FYIs

One of the basic ‘rights’ of an employee under the Occupational Health and Safety Act is the “Right to Refuse” unsafe work.

Section 43 of the OH&S Act, ensures that where an employee has a reasonable belief that doing a particular activity could endanger their health and safety or that of any other person, the employee may refuse the work.

The section also identifies the process to resolve the refusal internally or ultimately via an OH&S Officer.

Here are some basic FYIs regarding work refusals.

- Any worker can initiate a work refusal—full or part-time, temporary or permanent (the Act uses the term regularly employed which can capture any one of the categories noted)
- Work refusals may be based on safety concerns other than unsafe equipment; for example, environmental (air quality, exposure to chemicals); violence
- Investigate the refusal. It is a requirement, don’t simply dismiss it. Based on the investigation findings, take appropriate steps
- Work may be assigned to another worker; BUT you must tell the other worker about the work refusal and the reason for it AND allow that worker to also refuse the work if they feel the same way
- A worker can be reassigned during a work refusal (until it is resolved) if they are capable of doing the reassigned work and shouldn’t lose pay or benefits.
- A worker is entitled to pay while the refusal is being investigated; whether they are reassigned or waiting for the outcome.
- Disciplining someone for exercising their right to

- refuse is illegal
- Work cannot be refused due to inherent (characteristic of) danger to the activity/task. However, there is still a duty on the employer to eliminate or minimize the inherent danger/risk through the use of training, personal protective equipment, safe work procedures etc. Working at heights is inherently dangerous. Not training or providing workers with appropriate safeguards only increases the inherent dangers.

Due Diligence—some basic FYIs

Due Diligence’ is commonly known as the ‘defence’ for OH&S court cases.

However, due diligence does not just ‘magically’ happen; it needs to be grounded in an effective OHS management system.

At a minimum it would need to include all the items noted within the duties and responsibilities of the Occupational Health and Safety Act and Regulations. Such basic items as: a policy, a health and safety program, health and safety representatives or JOHS committees, training, supervision, written safe work procedures, communication, assessments, etc. are all components.

What do you need to consider:

- Take all reasonable steps to ensure a safe workplace. Courts expect all reasonable steps to be taken towards compliance.
- If you’re made aware of safety issues or hazards—take action. Assess the hazard and take appropriate actions to remove or abate it when needed.
- Train workers. Make sure workers are trained for the activities or tasks that you will be requiring of them. Also if you have work procedures, make sure they are trained in those as well. Document the training.
- Safety rules and procedures. If you develop safe work practices make sure they are: written down; workers are aware of them and are trained in them; and they are being followed. If you alter your procedures make sure to update your written procedures and make everyone aware of the update.
- Supervision. Ensure you have adequate and appropriate supervision. Train the supervisors so they can adequately and appropriately address health and safety concerns.
- Foreseeability. This does not mean that you have to predict how an accident will occur, just that it could occur. For example—in using a forklift with faulty brakes, you could foresee an accident happening. You may not know the exact details, but it would be reasonable to assume an accident is waiting to happen.
- Make sure information is accurate. Safe work procedures, warning labels, load ratings, instructions, MSDS sheets—any information regarding safety at the workplace needs to be accurate.
- Safety compliance—make sure workers understand the importance of safety compliance and following regulations or internal practices and if needed discipline infractions.

Recent Incidents

Tree Cutting

A person was struck killed by a tree they were cutting. Although there are no specific regulations for tree cutting, there are guidelines within the [Forest Professional](#).

Ladders

A worker fell off a ladder and sustained multiple fractures. The ladder had been secured at the bottom and was in the process of being secured at the top when the worker chose to climb the ladder and ended up falling. Workers must follow safe work procedures established by the employer.

Electrical Contact

A boom truck delivering material was being remotely controlled from inside a building when the boom contacted electrical wires; there were no inju-

ries. A second, separate, contact occurred with a crane. Two workers were taken to hospital for observation. Procedures were reexamined and changed to ensure no further incidents would occur.

A third electrical contact happened when a worker contacted a live wire while working on a junction box. There was no evidence of an adequate lock-out/tag-out procedure.

Forklift Rollover

A forklift rolled over an embankment at a work site; the worker was not injured. Forklifts are to be operated by a designated competent person and a hazard assessment to be completed to determine what hazard controls may be required at the worksite.

OH&S Administrative Penalty Review

On Wednesday, November 21st 2012, the Hon. Marilyn More, Minister of Labour and Advanced Education, addressed the House with regards to the OH&S Administrative Penalties being reviewed in the coming months.

Government introduced the administrative penalties in 2010, with the fines acting as a deterrent for employers and employees who break safety laws.

To ensure the penalties are having the intended impact it is time to evaluate what is working well and what can be improved.

The review will focus on ensuring that current penalties are applied consistently, fairly, and appropriately, so that they are

the most effective tool for achieving workplace safety.

As details of the review and input process are developed they will be communicated to our safety partners and posted to our web page.

For complete notes and comments [Hansard, Nov 21/12](#)

For further information on the Administrative Penalty and how it is **currently applied** go to:

[Administrative Penalties Regulations: An Overview](#)

[Administrative Penalties FAQ](#)

[Administrator Penalty Guidelines](#)

CSA—New Psychological Health and Safety in the Workplace Standard

The Psychological Health and Safety in the Workplace Standard (CAN/CSA-Z1003-12/BNQ 9700-803/2012), the first of its kind in Canada, is expected to be released in both French and English in January 2013, following a media launch. It will be available free of charge to encourage its use.

The Mental Health Commission of Canada, the CSA Group, and the Québec-based standards body Bureau de normalization du Québec all led in the development of the new standard. The standard is a voluntary guideline to help employers address mental health and wellness issues in the workplace.

Most Canadians are spending as much as 60% of their time at work and, try as we might, it is difficult to separate stressors from home and work life.

The standard as guidelines to assist in establishing a psychological health and safety management system, including:

- Leadership commitment and participation

- Planning
- Implementation
- Evaluation
- Management review and
- Continued improvement

As with other CSA standards, this standard was developed through a multi-sector technical working committee with representatives from employers, organized labour, service providers, academia and regulatory bodies and input from various public consultations. In all, the technical working committee received over 850 comments through the public consultation process. The standard also drew upon existing frameworks on health and safety and psychological management, including: CSA Z100 for Occupational Health and Safety Management; CSA Z1002 for Hazards and Risk Management; and BNQ 9700-800/2008 Healthy Enterprises Standard.

For more information and where to obtain a copy when available go to [CSA Psychological Health and Safety in the Workplace](#)

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the Web at:

<http://gov.ns.ca/lae/healthandsafety/>

or our OHS Knowledgebase
[Knowledgebase](#)

OH&S Cases Across Canada

Alberta

A Chinese-owned company pled guilty to the death of two of its workers in a roof collapse accident that also injured 5 workers. The company had challenged Canada's jurisdiction over it and lost. A joint submission was made for the maximum allowable fine of a \$1.5 million.

Saskatchewan

A worker pled guilty and was fined \$400 for their role in the death of a co-worker. The worker admitted to unloading a steel pole from a trailer in an unsafe manner

A company pled guilty when a worker was injured while grinding the inside of a rock crusher cone. The company failed to

ensure the worker was adequately supervised and that the hoist used in lifting the cone was adequate to the job.

Ontario

A construction company and a supervisor were fined for an accident where a worker refueling a mobile crane fell from it. In the process of trying to refuel the crane the lid of the fuel tank fell on the worker's hand and caused him to fall. The company and the supervisor failed to ensure the lid was secured during fueling.

A demolition and salvage business owner pled guilty in one worker's death and injury of a second worker when the roof of a damaged mobile home they were demol-

ishing collapsed on them. The workers had started demolishing the mobile home by removing its interior walls and were removing exterior cladding when the collapse occurred.

Two companies were fined in the collapse of a trenching project that injured one of two workers in the trench. One company was convicted as an employer for letting workers enter an excavation that wasn't compliant with regulations; the other company was convicted, of the same offence, as a constructor.

Annotated from original items noted in Safety Compliance Insider Vol. 8 Issue 12 (December 2012)
www.OHSInsider.com

Links to related agencies:

- [Nova Scotia WCB](#)
- [Workers Compensation Appeals Tribunal \(WCAT\)](#)
- [Workers' Advisers Program \(WAP\)](#)
- [Workplace Safety and Insurance System \(WSIS\)](#)
- [Office of the Employer Advisor Nova Scotia](#)
- [Service Canada / Français](#)
- [Canadian Centre for Occupational Health and Safety \(CCOHS\) / Français](#)
- [CanOSH \(Canada's National Workplace Health and Safety Website\) / Français](#)