

### *WHS Regulations and OSGRs Changes*

This issue will focus entirely on the new WHS regulations coming into effect June 12, 2013 ([Workplace Health and Safety Regulations.](#))

Together with the introduction of the new regulation, the [Occupational Safety General Regulations](#) and Blasting Safety Regulations were amended to make them consistent with the new regulation.

The Fall Protection and Scaffolding Regulations; the Temporary Workplace Traffic Control Regulations; and the Occupational Health Regulations will be repealed.

The following is a summary of recent amendments to the *Occupational Safety General Regulations* and the newly enacted *Workplace Health and Safety Regulations*.

This information is provided for convenience only and cannot be relied on in place of the regulations. It is not exhaustive and not all changes are identified here.

#### Occupational Safety General Regulations

All references to legislation, regulations, standards and codes were updated to the most recent version.

- Section 2 revised and updated several definitions, in some instances to be consistent with the new *Workplace Health and Safety Regulations*.
- Section 6 was amended such that any reference to an adopted standard will be to the latest version of that standard unless otherwise indicated.
- Section 8 clarifies record keeping requirements.
- Section 11 allows use of head protection that complies with the ANSI Z89.1 standard.
- Section 13 clarifies the adoption of CSA Standard Z94.4, "Selection, Use and Care of Respirators". Removes the limitation on fit testing to clarify that anyone wearing a respirator must have a valid fit test and wear the

appropriate respirator as required by the standard.

- Section 14 removes the reference to CGSB-65.11-M88, "Personal Floatation Devices". Replaced by a requirement for a life jacket or personal floatation device approved by Transport Canada, Canadian Coast Guard or US Coast Guard. Also needs to be appropriate for the weight of the person who will wear it and have sufficient buoyancy to keep that person's head above water.
- Section 23 provides additional clarification with regard to emergency showers and eyewashes.
- Section 25 amended to refer to *Fire Safety Act* and provide clarity regarding the inspection and servicing of fire extinguishers.
- Section 34 amended to eliminate duplication of provisions regarding unconsolidated bulk material.

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- Sections 81 to 83 (and the definition) have various amendments including a change to delete the reference to "industrial" and to refer only to "lift trucks" in accordance with applicable standards.
- Section 129 includes a clause to clarify when considering whether a space is classified as a "confined space", a person must not take into account the use of personal protective equipment or ventilation as these may fail. Part 12, "Confined Spaces" has several additional clarifications.
- Section 141, "Stairways", has several modifications and deletions to be consistent with the building code. Cont..

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- Section 148 includes a requirement for annual inspection of ladders and records to be kept.
- Section 153 amended to clarify the physical limit of underground utility lines that a utility is responsible to locate and mark when requested.
- Section 169 amended to ensure the concentration of substances in an excavation or trench does not exceed occupational exposure limits.
- Section 179 adopts standards for high visibility clothing.
- Section 183 was amended to provide clarity regarding the beginning of work after a blast.
- Sections 185, 186, 188 and 189 were amended to remove the requirement for certification of a safe work procedure by a competent person where there is no possibility of a collapse of unconsolidated material on equipment or a person.
- Sections 198 and 199 were amended to provide more flexibility for the use of equipment by firefighters.

#### Workplace Health and Safety Regulations

The document represents the first phase in consolidating the OHS regulations into a single regulation (with the exception of the *Underground Mining Regulations* which will continue to be “stand alone” regulations). Over the next few years the remainder of OHS regulations will migrate to this document. Placeholders are noted in the Table of Contents for these regulations, as well as some new topics that will be added in the upcoming phases of the project.

#### Part 1: Interpretation and Application

Definitions applicable to the entire regulation are set out in Part 1; any definitions applicable only to specific parts of the regulation are set out in that specific part.

- Section 1.6 similar to revised OSGR, clarifies that any standard adopted by this regulation will be the latest version of that standard unless otherwise indicated.
- Section 1.10 added to confirm the requirement to follow manufacturer’s specifications and standards for assembly, inspection, care and use of equipment.
- Section 1.11 clarifies when an Engineer’s certification is required for equipment or components.
- Section 1.12 outlines the requirements for inspection and re-certification of equipment.
- Section 1.13 requires an employer to ensure that equipment is protected from damage due to exposure.
- Section 1.14 outlines, in general, when equipment must be taken out of service and what must be done before it can be put back into service.
- Section 1.15 describes the requirements for record keeping.
- Sections 1.16 and 1.17 describe the exemptions that may apply to Emergency Services Agencies

#### Part 2: Occupational Health

Reserved for Occupational Health now under the *Occupational Health and Safety Act*. Replaces the withdrawn *Occupational Health Regulations* under the *Health Protection Act*. Provides more clarification with regard to physical agents, i.e. acoustic, electromagnetic, ergonomic, mechanical or thermal exposures. It will be further expanded in future phases of this project but at this time it continues to refer to the latest version of the ACGIH TLV and BEI booklet for occupational exposure limits.

#### Part 17

Established for the transition period between *Occupational Safety General Regulations* and the consolidated *Workplace Health and Safety Regulations*. There is only one item listed to cover equipment that specifically pertains to firefighters.

#### Part 21: Fall Protection

Replaces the Fall Protection portion of the previous *Fall Protection and Scaffolding Regulations*. Updates references to standards and sets out requirements for training and written safe-work procedures or plans. One major change is that it does not

refer to the type of fall protection required for various roof pitches. It recognizes that the workplace parties are in the best position to determine the most appropriate form of fall protection in a given situation and requires the employer to establish a written safe-work procedure or plan to describe the precautions that are taken. While this Part has been re-structured and updated, the essential safety principles have been retained from the previous regulation.

- Section 21.1 makes several modifications to the definitions specific to fall protection.
- Section 21.2 describes when fall protection is required and outlines the possible means of fall protection in the order of the hierarchy of controls
- Section 21.3 requires a written fall protection safe-work procedure for generic work conducted where fall protection is required and the height is less than 7.5 meters. The section includes the minimum requirements for the procedure
- Section 21.4 requires a site-specific written fall protection safe-work plan for work being conducted at a height of 7.5 meters or more. The section includes the minimum requirements for the plan
- Sections 21.5 to 21.9 address various fall protection systems
- Section 21.10 addresses fall arrest for arborists
- Section 21.11 addresses the use of work positioning systems
- Sections 21.12 to 21.18 describe the fall protection equipment that may be used
- Sections 21.19 to 21.22 describe requirements for fall protection training, including the type of training required, topics to be covered, a requirement for a practical component to the course and the documentation and records requirements including a 3 year validity period.

#### Part 22: Work Requiring Rope Access

Specific to a unique type of work where ropes are employed to reach the worksite and remain in place (see actual definition in Section 22.1). This is very specific work and requires the adoption of a code of practice, either as published by the Industrial Rope Access Trade Association, or an equivalent approved by the Director. This Part of the regulations covers requirements for certification, equipment and documentation.

#### Part 23: Scaffolds and Other Elevated Work Platforms

Replaces the Scaffolding section of the previous *Fall Protection and Scaffolding Regulations*. Section 23.2 clarifies when an Engineer's certification is required in addition to Section 1.11. The regulations have adopted many of the standards relating to various types of scaffolds and work platforms. In order to reduce redundancy and in an effort to ensure consistency with other jurisdictions, these standards replace much of the direction given in the previous regulation. Most notably is the adoption of CSA Standard Z797 "Code of Practice for Access Scaffolding".

- Section 23.4 prohibits the use of certain equipment.
- Section 23.9 clarifies the requirements for inspection (as per the appropriate standard and manufacturers' specifications).
- Sections 23.10 to 23.15 address various types of work platforms.

#### Part 24: Temporary Workplace on Highways

Replaces the previous "Temporary Workplace Traffic Control" regulation. It keeps the same provisions for TWTC for construction, maintenance and utility work, but expands the obligation of the employer for other activities that are conducted on or near a highway (highway is defined as a public highway, street, lane road or bridge, and private property that is designed to be and is accessible to the general public for the operation of a vehicle). This would include activities such as delivery trucks, couriers (vehicle, bicycle, pedestrian), garbage/recycle collection, shopping cart collection, etc.

- Section 24.3 retains the requirement for employers engaging in construction, maintenance and utility work to adopt a code of practice (TWTC manual or equivalent).
- Section 24.4 requires employers engaging in other work conducted at a temporary highway workplace to adopt a written safe-work procedure.
- Section 24.5 discusses the requirements for employees on foot with specific emphasis on visibility and the use of high

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### *NAOSH Week—May 5 to 11*

North American Occupational Safety and Health Week (NAOSH) events and activities are coordinated by local, provincial and/or regional committees, comprised primarily of volunteers, who share a focus and vision of safer workplaces and communities.

Partnerships with government, business, suppliers, CSSE Chapters, community health organizations and other safety groups provide the support, resources and network necessary to manage the NAOSH Week plans.

The [NAOSH](#) web site has links to events by each province; as well as material that can be downloaded should you wish to organize your own event.

One of the events that takes place on opening day of NAOSH Week is the “Steps for Life”. This event is a fundraiser for Threads of Life, an Association for Workplace Tragedy Family Support.

If you want to know where walks are taking place go to [Steps for Life locations](#). Currently you will see two locations for Nova Scotia: Halifax—Point Pleasant Park; and Windsor/West Hants—Smiley’s Provincial Park.

### *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](#)