

OHS NEWS

WORKPLACE SAFETY IS EVERYONES' CONCERN

JULY 2012

OH&S Regulation Consultation

As we noted last month the Department of Labour and Advanced Education is proposing changes to the regulations under the *Occupational Health and Safety Act* and is seeking input from the public.

The proposed changes will make the regulations easier to use, and keep them up to date with national standards.

Note: there are two different consultations taking place at the same time which deal with different aspects of the regulation changes.

The first set of consultations, which closed on June 29th, dealt with minor changes to the Occupational Safety General Regulations to bring them up to date. Changes include:

- Updates to several definitions (section 2)
- Consultation with the committee is required only when the written policy or procedure affects the committee or representative (section 5)
- Clarified section on Standards cited in the regulations; automatically update to latest standard (section 6)
- Added ANSI Z89.1 as acceptable for Hazard to Head (section 11).
- Clarification of language in several other sectors—for all the amendments go to [OH&S Regulation Consultations](#).

The other currently on-going consultation is for the proposed Workplace Health and Safety Regulations (WHS). The Workplace Health and Safety Regulations will be:

- The consolidation of many of the existing OH&S Regulations into the newly formed WHS
- Use automatically updated references to Standards cited in the WHS
- To be phased in with Phase one, including changes to:

Guilty Pleas to OHS & C-45 Charges

Excerpted from “[OHS Insider](#)” a publication/newsletter of [Bongarde](#). Original story posted in [Workplace Wire](#).

On Christmas Eve 2009 Toronto was witness to a swing-stage scaffold accident. Of the six workers on the swing-stage, four were killed in a fall, the fifth worker was seriously injured and the sixth's fall was stopped by the lifeline

of his fall arrest.

The Ministry of Labour laid a total of 61 charges against multiple parties under the *OHS Act*.

Among the charges, thirty were laid against Metron Construction, fifteen charges were laid against its President and another eight charges against a Company supervisor.

Swing N' Scaff Inc., the company that provided the swing-stage being used was also charged with four OHSA offences and its Director was charged with an additional three OHSA offences.

The Toronto Police also laid numerous criminal charges following its own investigation, . Metron, its President, and a supervisor were each charged

with four counts of criminal negligence causing death and one count of criminal negligence causing bodily harm.

Criminal charges against the supervisor are still pending. A judge will assess if there is sufficient evidence for the matter to proceed to a criminal trial in a preliminary hearing, that began on May 7, 2012 and is ongoing.

Upcoming/ Current Events:

- ◆ OH&S Regulation Consultation
- ◆ Developing a Workplace Safety Strategy for NS
- ◆ Building and Plumbing Code amendments, in effect September 1, 2012

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Guilty Pleas to OHS & C-45 Charges (continued)

On June 15, 2012 Metron Construction entered a guilty plea to one charge of criminal negligence causing death under the c-45.

Metron has not yet been sentenced on its guilty plea to the criminal negligence charge. Under the Criminal Code there is no limit on the amount of a fine that may be imposed upon a corporation. The Crown has sought a penalty of \$1 million dollars

A corporate sentence of one million dollars, if imposed will represent the highest penalty for criminal negligence causing

death for a workplace accident in Canadian history.

The only other corporate criminal negligence conviction (Quebec) was in 2008, against Transpave, resulting in a fine of \$100,000.

With regards to the charges under Ontario's OHS Act; the President pled guilty to four contraventions.

Each charge alleged the President, as a company director, failed to ensure that Metron complied with the Act and its regulations. Specifically:

- 2 counts under section 26.2 of the Construction Regulations, including failing to take reasonable care to ensure a worker using a fall protection system was adequately trained; and that there were proper records of training (including names of workers and dates of training);
- one count under section 93 of the Construction Regulations, failing to take reasonable care to ensure a suspended scaffold was maintained in a condition that did not endanger a worker

or was defective or hazardous

- one count under section 134, failing to ensure that a suspended platform complied with all aspects of the Construction Regulations .

While there is a joint submission from the Crown and Defence a sentence has not yet been imposed.

Go to [Workplace Wire](#) for original story.

OH&S Regulation Consultation (continued)

- Fall Protection and Scaffolding Regulations
- Temporary Workplace Traffic Control Regulations
- Occupational Health Regulations (including transferring them from the Health Protection Act to the OH&S Act)
- Rope Access (new)

Consolidating the regulations into one document would make it easier for users to find the necessary information; it would also allow users access and the ability to search the information more effectively.

The consolidation will result in one Act and one consolidated regulation that will cover most businesses (there

will still be some industry specific regulations).

With regards to the automatic updating of references to cited standards this will ensure that the latest version of a standard will be the one that businesses would work with. Further this allows our regulations to use the expert knowledge of standard setting organizations and align our regulations with national and international standards.

Because a lot of material will be covered under the proposed WHS Regulations they will have a multi-year roll-out; and each phase will include a full review of relevant regulations before they are adopted into the WHS.

As noted earlier the current phase—Phase 1 WHS—will include:

- Definitions and the General part (currently part of the OSGRs)
- Fall Protection (currently in the Fall Protection and Scaffolding Regulations)
- Scaffolds and Other Elevated Work Platforms (currently in the Fall Protection and Scaffolding Regulations)
- Work Requiring Rope Access—NEW
- Temporary Workplace on Highways (currently Temporary Workplace Traffic Control Regulations)
- Occupational Health (currently Occupational Health Regulations under the Health Protection Act).

Phase 2 will deal with the remaining parts of the Occupational Safety General Regulations.

Phase 3 will deal with all remaining health and safety regulations except the Underground Mining Regulations and possible future sector specific regulations.

To view the discussion document, the proposed regulations and have your say in this important review and consultation please go to [Workplace Health and Safety Regulations](#).

Heat Stress: Prepare your safe work procedures now

Care needs to be taken when we are physically active on hot summer days. Physical exertion on hot and humid days may make us susceptible to the risk of heat stress. Care also needs to be taken indoors in areas of high temperature.

Heat stress is the build up of heat in the body to the point where the body's thermostat has difficulty maintaining normal internal body temperature.

When the body is unable to cool itself through sweating, serious heat illnesses may occur. The most severe heat induced illnesses are heat exhaustion and heat stroke. If actions are not taken to treat heat exhaustion, the illness could progress to heat stroke and possible death!

Generally speaking: **High Temperature + High Humidity + Physical Work = Heat Stress.**

While heat stress is commonly associated with warm weather, it can occur any time the temperature is above normal (working in a boiler room for example). Some factors involved in causing heat stress are:

- High humidity
- High temperature
- Low movement of air
- High radiant temperature of surroundings (hot machinery)
- High level of physical activity
- Low degree of physical fitness

- Age
- Metabolism
- Medical conditions and medicines

It is difficult to predict just who will be affected and when, because individual susceptibility varies. It is important to recognize the symptoms of heat stress disorders and take immediate and appropriate remedial actions.

Workplaces that will or may be subject to heat and humidity should prepare now. Determine what the hazard is and its consequences are and then determine an appropriate action to prevent heat stress or worse heat stroke.

Ensure workers and supervisors are aware of heat stress symptoms so they may react appropriately.

Some of the easier controls that can be implemented are administrative controls such as:

- Duration of work
- Cool rest areas
- Provision of cool water
- Greater frequency of breaks

For additional information and resources go to the Canadian Centre for Occupational Health and Safety:

[Hot Environments—Control Measures;](#)

[Hot Environments—Health Effects](#)

[Humidex Rating and Work](#)

[Maximum Temperature limit for Working](#)

FYI: Ticks

A mild winter has Tick numbers up. People who work outdoors in tall grass or brush need to take precautions.

Risk of contact with Ticks can be lessened by:

- Wearing light coloured clothing
- Wear long sleeves shirts and pants, socks and enclosed shoes
- Shirts should be worn tucked in and sock should be pulled up over pants
- Spraying clothing with an insect repellent containing DEET also helps
- If you have been in tall grasses/brush check clothing and skin before heading indoors
- Where possible take a shower or bath within a few hours

While there are about 14 types of ticks in Nova Scotia it is the blacklegged (sometimes called deer tick) ticks that carry the bacteria causing Lyme disease.

The earliest and most common symptom of Lyme disease is a bull's

eye rash surrounding the site of the bite. When detected early the disease can be treated with antibiotics.

If you do find a tick gently remove it, using tweezers to carefully grip its body as close to the skin as possible; bring it or send it to the NS Museum of Natural History for identification. Also after removing the tick wash the area and use an antiseptic. If infection does happen, see a doctor. .

For additional information on Lyme Disease go to:

[Lyme Disease Fact Sheet](#) (Public Health Agency of Canada)

[Lyme Disease](#) (CCOHS)

[Lyme Disease FAQ](#) (Centers for Disease Control and Prevention USA)

**LABOUR AND ADVANCED
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the Web at:

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

or our OHS Knowledgebase
[Knowledgebase](#)

Recent Incidents

- Worker cut their hand when 'ripping a board' with a circular saw. The board was supported by 2 work benches and not secured. The worker had also not set the blade depth of the circular saw which likely contributed to the accident.
- 2 Falls from Ladder: 1) A worker fell from a ladder while performing routine maintenance. It was determined the procedure being used did not allow for 3 points of contact as required by regulations. 2) When getting boxes from a mezzanine a worker fell from a ladder. The mezzanine can only be accessed by climbing and then stepping from a ladder to the mezzanine; again 3 points of contact is not possible.
- Fall from a conveyor while lubricating bearings. The worker was undertaking routine work when he fell from a spot where no guarding was in place; other bearings have guardrails. Also, the worker was not wearing fall protection. There was no work procedure in place.
- A worker sustained an injury to their head when a suspended bulkhead they were sanding fell. The bulkhead was suspended by wire cable attached to eye hooks. In the process of sanding the bulkhead would sway causing the wire cable to fray. It was also determined the cable was too light for the intended use.
- A worker had his foot run over by a co-worker driving a forklift. It was determined the worker whose foot was run over momentarily 'lost focus' which led to his foot being run over.

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](#)