

Workplace Health and Safety Regulations

A discussion of the
proposed changes for
phase two

Department of Labour and Advanced Education

Enhancing Workplace Safety in Nova Scotia

Have your say on draft regulation changes and improvements:

Workplace safety is important for all Nova Scotians. Everyone who goes to work in the morning should come home safely, to their loved ones, at the end of the day. Over the past several years, we have seen many improvements in our workplace safety record; but there is still more work to be done. As government, workers, employers and safety partners we all have a role to play. Through consultations and conversations, you've told us that you would like to see improvements made to the rules and regulations that you are required to follow. You've told us that the information is not easy to assess, it is hard to understand and unclear. The proposed changes to the regulations will work to address the concerns we've heard, and will work to help us reach our goal of becoming the safest place to work in the country.

Regulations are one of many tools in place to help protect workplace parties on the job. In many cases, regulation is born out of need. Many of the proposed changes and improvements you are about to read are based on concerns we've heard, and lessons we've learned from tragic workplace incidents or fatalities. These changes will provide clarity around existing regulations that have always been in place, will include some updates and improvements, and will include one brand new regulation around committees and representatives. These proposed changes will also make it easier for you to access and understand important information and requirements around workplace health and safety.

You may have heard about the five-year Workplace Safety Strategy. This strategy was developed with the help and advice of

thousands of workers, employers and safety stakeholders, and aims to make Nova Scotia the safest place to work in the country.

The changes being proposed are based on best practices seen around the country, national standards, and represent years of research, consultation and review. The proposed changes directly align with the goals we are working to achieve under the strategy's Education and Training and Inspection and Enforcement pillars..

The Workplace Health and Safety Regulations (WHSRs)

The Regulations are being consolidated and new subject matter, meant to improve workplace safety, is being added.

Government is in the process of consolidating and amending 13 stand-alone Occupational Health and Safety *Act* regulations into one document called the *Workplace Health and Safety Regulation (WHSR)*. Before, workplace parties may have had to reference several documents to get the information they needed. Now, all information on things like first aid, fall protection, blasting, trenching, and protective equipment and more will be available in one place.

The consolidation and review of the occupational health and safety regulations has been divided into three phases. Phase one was completed in June 2013. You are providing comment on regulations that are a part of Phase two.

We want to Hear from You

These regulations are still draft and we want to hear from you before any final decisions are made.

The following fact sheets outline proposed changes to regulations. As you read, consider what you think of the regulations as they relate to your workplace.

Explanation of terms (commonly used in WHSRs fact sheets)

As stakeholders, you have told us that the WHSRs are hard to understand and not easily accessible. Government is proposing changes to address these stakeholder concerns.

As you read through this document certain words will be highlighted to help you understand the proposed changes to the regulations that are new, clarified or being expanded upon.

The important words to look for throughout the fact sheets are as follows:

Expand –

When the word '**expand**' is used it means - more details are being provided in the WHSRs compared to past versions of the occupational health and safety regulations. More details are being provided in the Regulations to ensure more clarity to stakeholders. This does not mean there is a new rule or regulation. The point of expanding upon parts of the WHSRs is to make the regulations more clear.

Define –

When the word '**define**' is used it means the WHSRs will provide the meaning of a word to make the regulation easier to understand for the stakeholder. This does not mean there is a new rule or regulation. The point of creating definitions for the WHSRs is to make the regulations more clear.

Clarify –

When the word 'clarify' is used it means -an attempt is being made to make a part of the Regulation easier to understand or read. This does not mean there is a new rule or regulation. This rule or part of the regulation always existed. The point of clarifying parts of the WHSRs is to make the regulations more clear.

Require –

When the word require is used it means a new requirement has been added from the previous version of the WHSRs. This means there is a new rule or part of the Regulation.



Links to Fact Sheets

Occupational Health

First Aid

Sanitation and Accommodation

Personal Protective Equipment (PPE)

Excavation and Trenching

Blasting Safety

Confined Spaces

Surface Mine Workings

Occupational Diving

Committees and Representatives

Occupational Health (Part 2) – *prioritizing health in your workplace*

Background

The previous *Occupational Health Regulations* are being updated in three separate phases for the Workplace Health and Safety Regulations (WHSRs).

Phase one changed the authority of the Regulations from the *Health Act* to the *Occupational Health and Safety Act* and transferred the Regulations into the WHSRs. Phase one also clarified the scope of the Regulations to include physical and chemical agents.

Phase two (currently under review) draws upon work that has been conducted by Government and industry since the early 1990's. The proposed part for Occupational Health focuses on capturing specific industry standards, and clarifying the standards already in place, such as the American Conference of Governmental Industrial Hygienists (ACGIH) booklet on Threshold Limit Values (TLV) and Biological Exposure Indices.

What are the proposed Changes?

It is worthwhile to note that the most significant proposed changes to the regulations under the WHSRs have been made to the *Occupational Health Regulations*.

Proposed changes include:

- **Expand** definitions for more clarity to stakeholders.
- **Define** Occupational Exposure Limits (OELs) as those values listed in the ACGIH TLV booklet, unless otherwise specified.
 - Notable exceptions include: Hydrogen Sulfide, Sulfur Dioxide, and wood dust).
 - The WHSRs will adopt the 2011 edition of the ACGIH TLV booklet

and Government will ideally revise the adopted edition every subsequent 5 years.

- **Clarify** assessing, controlling and investigating exposure to hazardous substances.
- **Require** a Respiratory Protection Program.
- **Require** a Hearing Surveillance and Conservation Programs, including audiometric testing under certain circumstances.
- **Clarify direction** on assessing and controlling excessive exposure to vibration.
- **Clarify direction** on assessing and controlling exposure to extreme temperatures to prevent hypothermia or heat stress.
- **Add requirement** for control of exposure to blood borne pathogens.
- **Add requirement** for control of exposure to non-ionizing radiation (laser, infra-red, ultraviolet, radiofrequency) and ionizing radiation (alpha and beta particles from radioactive material, and gamma rays from electromagnetic devices).
- **Clarify** direction on the timing and responsibilities for health assessments.

Why are the changes proposed?

Changes have been suggested for this part to ensure the health of workers is an utmost priority in each workplace.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

What do you think of the adoption of the 2011 edition of the ACGIH TLV booklet standards?



First Aid

(Part 4) – *initial response for injured workers*

Background

The purpose of the previous and proposed *First Aid Regulations* is to ensure that workers are well taken care of in the unfortunate event first aid may be required. The proposed part for First Aid under the *Workplace Health and Safety Regulations* (WHSRs) seeks to improve the measures already in place under the previous Regulations.

What are the proposed Changes?

The most noteworthy change to the previous *First Aid Regulations* is for the province to require designated training service providers for first aid in Nova Scotia. This was required under changes made to the *Canada Labour Code* and as such is required in Nova Scotia. In the past, the Federal Government approved training organizations and maintained a list of approved organizations in the *Canada Labour Code*. This is no longer the case. The proposed WHSRs recognize the five Canadian members of the International Liaison Committee on Resuscitation (ILCOR), as designated training service providers, which are:

- St. John's Ambulance
- Canadian Red Cross
- Lifesaving Society
- Canadian Heart and Stroke Foundation; and,
- Canadian Ski Patrol.

In addition, Nova Scotia will now further recognize the credentials of “any other organization authorized by another Canadian jurisdictional authority to deliver first aid training.”

Further proposed changes include:

- **Clarify** that the employer is only required to support first aid training for the designated first aid attendant(s).
- **Clarify** that the employer must pay for the cost of the first aid course and wages during required first aid training.
- **Clarify** that first aid training has a maximum effective date of three years past the date the training was taken.
- **Allow** for the substitution of a person with current formal medical training, as described, for a first aid certificate when designating an attendant.
- **Reduce** the number of types of first aid kits required from three to two, by removing a #3 kit, which are then to be located for quick access in the workplace.
- **Clarify** the requirement for the employer to pay for transportation of an injured person at a workplace to an emergency care facility.
- **Require** a stretcher, backboard and cervical collar to the first aid equipment to be supplied when a first aid room is required (when there are more than 100 employees working at one location in a point in time).

Why are the changes proposed?

Changes have been suggested for this part to ensure individuals are properly treated in the unfortunate event first aid may be required.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

What do you think of the additional equipment requirements for first aid rooms?



Sanitation and Accommodation (Part 5) – *the physical requirements of a workplace*

Background

The Sanitation and Accommodation part of the *Workplace Health and Safety Regulations* (WHSRs) addresses the physical requirements of a workplace. It covers such things such as ventilation, lighting, and temperature.

What are the proposed Changes?

The following are the significant proposed changes to the Sanitation and Accommodation part:

- **Add a section** on ventilation required to control exposure to hazardous substances. This will refer to the Occupational Exposure Limits (OELs) described in part 2 (Occupational Health).
- **Clarify** ventilation requirements when internal combustion engines are used in an enclosed workspace.
- **Add a section** that covers the requirements for operation of a fume hood.
- **Expand** the section on lighting to include minimum levels of lighting required both in a work area and areas where work is not usually performed, such as parking areas, lobbies or an atrium.
- **Add a section** to describe minimum temperatures for an enclosed workspace.
 - The minimum temperatures will be dependent upon the level of work that is being conducted.
 - There are a number of exceptions to this requirement, for example:
 - Some work areas that are not normally heated;
 - Where opening doors will not make heating of the area practicable;
 - Where perishable goods require lower temperatures;

- Where radiant heat provides equivalent level of comfort; or,
- Where the process or activity is such that the specified temperature would cause discomfort.

Why are the changes proposed?

Changes have been suggested for this part to further protect workers from hazards in the workplace.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

What do you think of requiring minimum temperatures for enclosed workspaces?



Personal Protective Equipment

(Part 6) – *reducing employee hazards to exposure*

Background

To ensure workplace safety, personal protective equipment (PPE) is deemed to be necessary by industry and Government in certain circumstances. Examples of common workplace PPEs include protective clothing, helmets, goggles, or other garments or equipment.

What are the proposed Changes?

The following changes have been proposed for the PPE part:

- **Clarify** the employer is responsible to pay for the cost of PPE and training; except that the employer may, but is not obligated to pay for the cost of hardhats, safety boots, safety glasses or PPE that is required to prevent exposure to temperatures that are beyond the control of the employer.
- **Clarify** the employer must ensure the employee required to use PPE is aware of a hazard that it is meant to protect against and the limitations of the protection afforded by the equipment.
- **Require** employers to select the highest level of protective headwear, i.e. Type 2 Class E, in the event that a site specific hazard is not conducted to confirm the minimum level of protection required.
- **Require** employers to establish and maintain a respiratory protection program when it is likely that an employee will be exposed to a respiratory hazard.
- **Expand section** for selection, care and use of respirators to clarify the requirements for fit testing, ensuring a proper fit by being clean shaven, signage in areas where exposure is likely, equipment training and

maintenance, and health assessments as necessary.

- **Add a section** on Hazard to Hearing that addresses a long standing deficiency in regulation and requires the posting of signs and the wearing of hearing protection devices that comply with CSA Z94.2 – “Hearing Protection Devices”.

Why are the changes proposed?

Changes have been suggested for this part to ensure the safety of each worker in Nova Scotia by expanding requirements for personal protective equipment.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

Do you think an employer should be responsible for the cost of PPE?



Excavation and Trenching (Part 14) – *remaining safe in dangerous undertakings*

Background

Excavation and Trenching are inherently dangerous activities. The consequences of a utility line strike or a cave in can be very serious to a worker's health and safety. Nova Scotia already has long had well-established and effective regulations for excavation and trenching, but improvement can always be made, and as such, Government is proposing some changes to the part for Excavation and Trenching in the Workplace Health and Safety Regulations (WHSRs).

What are the proposed Changes?

The following are the proposed changes for the Excavation and Trenching part:

- **Reduce** the distance required for a ladder for access or exit from 15 metres to 7.5 metres from where a person is working.
- **Add a phrase** to allow a berm to be used as a method of preventing a person from falling into an excavation.
- **Clarify** the language around trench cages to ensure that it is inspected at the beginning of each shift vice each day.
- **Clarify** the language regarding the certification of a trench cage by an engineer and the nameplate requirements

Why are the changes proposed?

Changes have been suggested for this part to ensure workers remain safe while working on excavation and trenching.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

What do you think of allowing a berm to be used as a method of preventing a person from falling into an excavation?



Blasting Safety

(Part 18) – *blasting safely*

Background

The Government's review of the previous Blasting Safety Regulations found them effective and consistent with recent amendments to the federal *Explosives Regulations*.

What are the proposed Changes?

The following changes are being proposed for the Blasting Safety part:

- **Add** a requirement to include weather conditions in the Blasters' Log.
- **Clarify** that blasting activity is restricted to Blaster (1st Class) and Blaster (2nd Class).
- **Clarify** when explosives must be attended and security measures required for an area where loaded holes are present.
- **Add a section** for Seismic Blasting.

Why are the changes proposed?

Changes have been suggested for this part to ensure the regulations are easy to understand.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

Are there further pieces of this regulation that should be clarified?



Confined Spaces

(Part 19) – *keeping safe in small spaces*

Background

The existing *Confined Spaces Regulations* were compared to the CSA Standard Z1006 “Management of Confined Spaces” and with other Canadian provincial and territorial requirements. In general, the Nova Scotian Regulation was found to be consistent and effective.

What are the proposed Changes?

The following changes are being proposed for the Confined Spaces part:

- **Add a requirement** to consider the principles and guidance provided in CSA Z1006 when managing confined spaces in a workplace.
- **Add a requirement** to assess all work areas that meet the criteria for a confined space and prepare a list.
- **Expand** the considerations for written emergency procedures (19.3 (4)(f)) to be consistent with CSA Z1006.
- **Amend** training requirements for a person who enters a confined space to once every two years.
- **Add a requirement** for rescuers to hold a valid standard first aid certificate (consistent with five other Canadian jurisdictions).
- **Reduce** the allowable concentration of gases to 10% of the lower explosive limit from 50% to be consistent with other regulations and jurisdictions (19.3 (8)(a), 19.6(1) & (3)).
- The validity period for certification of confined space conditions was **amended** to allow for additional factors which may reduce the validity period. This is consistent with other jurisdictions, notably British Columbia and Manitoba.
- **Amend** the requirement to maintain a copy of the certification of confined space

conditions for 2 years from 12 months to be consistent with other record keeping requirements.

- **Add a requirement** for a full body harness to allow appropriate selection of type of harness and provides flexibility not to wear one where the wearing of a full body harness may be inappropriate or unsafe. This decision, as in other cases, must be taken in consultation and agreement with the committee or representative.

Why are the changes proposed?

Changes have been suggested for this part to further protect workers in small spaces.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

What do you think about the requirement for a full body harness?

Should any other requirements be added to the regulation?



Surface Mine Workings

(Part 20) – *mine safety*

Background

For the most part, the previous regulations for surface mine workings was considered adequate. The Government review for the Workplace Health and Safety Regulations (WHSRs) concentrated on updating the language to follow other regulations in Canada.

What are the proposed Changes?

The following changes are being proposed for the Surface Mine Workings part:

- **Add** values to ensure adequate width of haul roads.
- **Add a requirement** for written traffic control procedures for haul roads.
- **Add a minimum height** for shoulder barriers on a haul road.
- **Add a requirement** for Global Positioning System (GPS) coordinates when reporting notice of operation to the Occupational Health and Safety Division of the Department of Labour and Advanced Education.

Why are the changes proposed?

Changes have been suggested for this part to improve the safety of those working on surface mine workings.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

Should there be further requirements added for surface mine working?



Occupational Diving (Part 25)- *underwater safety*

Background

The previous *Occupational Diving Regulations* are deemed to be very comprehensive by Government and stakeholders. Some Canadian jurisdictions have decided to rely more heavily on the 275 series of the Canadian Standards Association (CSA) Standards for Occupational Diving. A review of the CSA Standards was conducted; however, it was considered by Government more appropriate to maintain the current level of detail in the regulation and refer to the Standards when appropriate.

What are the proposed Changes?

The following changes are being proposed for the Occupational Diving part:

- **Clarify and modify** definitions where appropriate to be consistent with the CSA standards.
- **Remove** redundant section in consideration of WHSRs phase one.
- **Require** a copy of the diver, ADS or SCC Attendant certificate of fitness and any first aid certificates must be at the dive site and available for inspection.
- **Add** decompression to be conducted in accordance with CSA Standards Z275.2 for consistency.
- **Add** personal diving equipment to be consistent with requirements of CSA Standard.
- **Remove** the requirement for head protection as it was deemed impractical. Hazards must be identified in hazard assessment.

Why are the changes proposed?

Changes have been suggested for this part to protect workers while diving.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

What do you think of Government's decision to maintain the current level of detail in the regulation and refer to the Standards when appropriate?



Committees and Representatives (Part 27)

- *safety training*

Background

The Committees and Representatives part is a new part that satisfies a longstanding omission from occupational health and safety regulations in Nova Scotia. Stakeholders requested a clarification of rules of procedure and training requirements for Joint Occupational Health and Safety Committees (Committees) and Health and Safety Representatives (Representatives).

Stakeholders have also voiced concerns to Government with the changes to be made to the Committees and Representatives part for training (time and cost required).

What are the proposed Changes?

The following changes are being proposed for the Committees and Representatives part:

- **Add** items that a committee must consider when preparing its rules of procedure.
- **Add** training requirements (21 hours for Committee members and 7 hours for Representatives) to be conducted within 90 days of assuming duties and repeated at least every 5 years. This training is transferrable from one employer to the other if it meets the Nova Scotia content criteria.
- **Describe** training content for both committee members and representatives.
- **Add** instructor qualifications.
- **Require** records.
- **Require support** from employer or constructor.

Why are the changes proposed?

Changes have been suggested for this part to ensure workplace committees and representatives are effective in keeping their workplaces safe.

Some things to think about -

What do you think about the proposed changes? Is anything missing from the proposed changes?

Do you agree the added training for committees will improve worker safety?

What do you think of employers bearing the cost of training for committees and representatives?

