

OHS NEWS

WORKPLACE SAFETY IS EVERYONES' CONCERN

JANUARY 2014

Reminder—32nd Annual Workplace Safety Conference



Fatigue management programs; Mental health first aid; Safety Performance reviews. These are a few of the approximately 40 planned topics and sessions that will be part of Safety Services Nova Scotia 32nd Annual Workplace Safety Conference, March 26-27, 2014.

The theme for the conference is “From Vision to Visible Results”. The conference is designed to provide learning opportunities, motivation, and networking opportunities that will help everyone build and improve their safety culture...with results that can be seen.

Delegate and exhibitor registration begins Monday December 2; with early bird rates available.

The full conference program will be issued in early January. Regular updates, as conference sessions are booked, will be highlighted in Safety Services NS' weekly electronic newsletter, tweeted via #SSNS2014 or posted on the Safety Services NS Linked In discussion group.

To register you may use any of the following:

www.safetyservices.ca

Call 902-454-9621 or toll free 1-866-511-2211

E-mail contact@safetyservices.ca

Working in Winter

We find ourselves in the Winter Season and, as noted in last month's issue, work continues throughout the winter and can present it's own unique challenges and hazards which require us to be proactive to account for them.

Last month's issue noted driving as being something to address:

[Tips of Safe Winter Driving](#). TIR brochure (pdf)
[Top Ten Tips for Safe Winter Driving](#). Nova Scotia RCMP brochure

Also, last month's issue highlighted the CCOHS (Canadian Centre for Occupational Health and Safety) publication. [Cold Environments: Working in the Cold](#).

Other concerns in the winter are: hypothermia, frostbite, slips and falls due to icy conditions to name a few.

Wear clothing appropriate to the conditions. Be careful stepping out of your vehicle, be sure of your footing. Consideration must be given to clearing your

parking lots and walkways. If contracted out, ensure the company is carrying out the activity satisfactorily.

Once in the workplace consideration should be given to melt water from shoes and boots and how to prevent slipping. Make winter safe.

This Issue:

32nd Workplace Safety Conference	1
Working in Winter	1
Cross Canada—Court Cases	2
NB Hazard Alert—Rebar	2
FYI—Selection of Recent Orders	3
FYI—Administrative Penalties	3
New Campaign—What Matters	4
Mainstay Awards nominations—deadline coming up	4

Cross Canada—Court Cases

Jail time for company owner when a worker he was supervising fell off a roof and died. In [R. v. Roofing Medics Ltd.](#), the Ontario Court of Justice sentenced the owner to 15 days in jail so as to deter others from ignoring fall protection requirements.

A worker fell approximately 6 meters from a ladder and struck a fence. Although wearing fall protection it was not clipped onto anything.

The company pled guilty and was fined \$50,000; the owner pled guilty to failing as a supervisor to ensure

workers use a fall arrest system as required by the regulations and was sentenced to 15 days in jail.

There were several mitigating and aggravating factors considered by the judge:

Mitigating Factors

- Owner and Company pled guilty—taken as an indication of remorse
- No prior OHSA convictions
- Worker was an experienced roofer, recently trained in fall protection
- Company payroll expenses increased significantly as a result of the fatality

Aggravating Factors

- Owner lied about circumstances of the accident; resulting in wasted hours of police and Ministry time
- A year prior to the fall the company was inspected and safety concerns raised including securing ladders and ensure adequate fall protection training
- Another worker noted the deceased always wore the safety belt but rarely secured; the inference being the owner was aware of this behaviour and did not correct it

In NS Part 21 of the [Workplace Health and Safety Regulations](#) deal with Fall Protection requirements, Part 23 are Scaffolds and Other Elevated Workplatforms. Whereas Part 13 of the [Occupational Safety General Regulations](#) deals with Ladders and working from Ladders.

Finally, the judge noted: “I hasten to add that if workers continue to fall off roofs in contravention of fall arrest regulations, supervisors can expect that jail sentences will be longer and may well become the norm.

NB Hazard Alert—Worker hurt with Rebar

WorkSafe New Brunswick recently issued a [hazard alert](#) regarding a worker being impaled on Rebar.

A construction worker covering a load on a 5-ton vehicle with a tarp, stepped onto the vehicle’s side rails to pull the tarp from the front to the rear.

Once the tarp was adjusted the worker dismounted from the side rails by jumping backwards off the vehicle to the ground. Unfortunately the worker landed on a concrete rebar that was extended approximately 4 feet from the ground.

The 3/4 inch rebar impaled the employee, penetrating approximately 10 inches.

The NS OHS Division has in the past investigated rebar incidents.

In one recent case the worker was walking along a new curb that hadn’t been backfilled yet, when they lost their footing and fell onto a short piece of rebar and sustaining a puncture wound.

In the other case a worker had clipped their fall protection on to a column that was being poured. The scaffold he was on was knocked over which proceeded to knock the column over, pulling the worker to the ground. In this case, the worker landed on

rebar that had been capped and thereby avoided impalement.

Caution must be taken when working around rebar sticks; unless the risk of impalement is eliminated then workers should not be allowed to work above rebar sticks.

As noted in the Rebar Safety Hazard Alert a number of approaches may be taken:

Protruding rebar can be bent

Rebar ends may be covered by boards, etc.

Rebar Caps can be used—ensure that caps designed to prevent impalement protection are used



FYI—Recent orders issued

A selection of recent orders written by OHS Officers. They are presented to raise awareness of potentially similar issues at your workplace.

Employers' precautions and duties (OHS Act)

Section 13-1-c

Employer provide such information, instructions, training and supervisions and facilities as necessary to health and safety of the employees

Section 28

Requirements for a Health and Safety Program. Officers are noting that some employers do not have a health and safety program, or that components of the Program or out-of-date or contain

outdate work procedures

Section 29 and Section 33 These are requirements for a Health and Safety Committee (where there are 20 or more regularly employed persons at a workplace) or a Health and Safety Representative (5 or more regularly employed persons)

WHMIS

Section 8

Workplace label for a decanted products. Officers are finding decanted product in containers with no labels. The requirements note that if the amount of decanted product is such that it will be completely used or it stays exclusively in the control or use by the person decanting

the product, uses the product in the shift it was decanted and ensures the content of the portable container is clearly identified then the workplace label is not required.

Violence in the Workplace Regulations

Section 5 Violence Risk Assessment

Officers are noting that workplaces that fall under activities outlined in Section 4 of the Regulations have not undertaken a violence risk assessment as required. Based on the findings of the assessment employers are required to address the hazard in an adequate manner (preferably by eliminating the hazard where feasible).

Workplace Health and Safety Regulations

Part 21—Fall protection Officers are noting:

- Lack of fall protection training,
- Lack of fall protection
- Records of fall protection training
- Fall protection Systems
 - Guardrails
 - Temporary flooring
 - Travel restraint systems

Part 23—Scaffolds

Officers are noting:

- Scaffolds improperly erected and secured
- Damaged or missing components

First Aid

- Requirement for First Aid Attendant

FYI—Administrative Penalties

Changes are coming to how the Administrative Penalty System will be administered. After the release of a [Discussion Paper](#) in February 2013 and a consultation process a set of [draft guidelines](#) were developed and they will be used in developing the new regulations in early 2014; **but**, until the development and adoption of the new Regulations the current AP Regulation and process applies.

The AP changes also mean changes to the OHS Act; specifically the changes center on the Order Appeal Process. [Bill No. 12](#) (2013 1st session of 62nd Assembly) received 3rd reading on December 12, 2013 and passed; **HOWEVER**, it has not been proclaimed and therefore the current Act and Appeal Process still applies.

As a reminder the current AP process is briefly as follows:

- Officers inspect and write orders under the Act or regulations for violations as they have always done:

- Orders are reviewed, by a separate Administrator, after a minimum 30 day wait period. In cases where the order(s) is/are appealed this wait period will be longer.
- Administrator assesses whether a penalty is warranted, based on severity and potential injury risk of the violation. Also previous orders for the same or a similar class of violations will be considered for a penalty even if there is little risk for injury.
- Compliance of order does not eliminate the possibility of a penalty. The penalty is for the non-compliance. If you do not comply with the orders, officers may issue a [Summary Offence Ticket](#), which is separate from any Administrative Penalty.

For additional information: Current AP [FAQ](#) and [Guidelines](#).

**LABOUR AND ADVANCED
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the Web at:

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

or our OHS Knowledgebase
[Knowledgebase](#)

New Campaign

“What Matters Most” is the title of the new campaign presented by the Workers’ Compensation Board of Nova Scotia and the NS Department of Labour and Advanced Education.

The ad features vignettes of workers returning to what matters most—coming home from work.

If you’d like to see the video (currently airing on television) and learn more about the campaign go to [What Matters Most](#)

Mainstay Awards — Nomination Deadline is looming

The 5th Annual Mainstay Awards will be announced in May 2014. Nominations for 17 awards in 8 categories are now open with a January 15, 2014 deadline.

Mainstay Awards are presented by the Workers’ Compensation Board of Nova Scotia and the Department of Labour and Advanced Education.

Award Categories include:

- Safety Award of Excellence—Organization
- Safety Award of Excellence—

- Individual
- Safety Transformation
- Safety Award for Small Business
- Individual Safety Champion
- Employer Safety Champion
- Employer Return to Work Champion
- Health and Safety Educator.

For more information and nomination guidelines please go to the following site:

[Mainstay—excellence in workplace safety](#)

Happy and Healthy New Year

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](#)