

Summary of Changes to Occupational Health and Safety Regulations

(Effective June 12, 2013)

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. The occupational health and safety regulations can be found on the *Registry of Regulations* website at <http://www.gov.ns.ca/just/regulations/rxam-z.htm#ohs>.

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 the record keeping requirements.
- Section 11 allows the 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", and 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- Section 14 removes the reference to the withdrawn standard, CGSB-65.11-M88, "Personal Floatation Devices", and replaces it with a requirement for a life jacket or personal floatation device to be approved by Transport Canada, Canadian Coast Guard or US Coast Guard, as well as 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- Section 25 was amended to refer to *Fire Safety Act* (not the *Fire Prevention Act* which has been repealed) and to provide clarity regarding the inspection and servicing of fire extinguishers.
- Section 34 was amended to eliminate duplication of provisions regarding unconsolidated bulk material.
- 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 that, 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.
- Section 148 includes a requirement for annual inspection of ladders and records to be kept.
- Section 153 was amended to clarify the physical limit of underground utility lines that a utility is responsible to locate and mark when requested.
- Section 169 was 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 clarifies, similar to the revised OSGR, that any standard adopted by this regulation will be the latest version of that standard unless otherwise indicated.
- Section 1.10 was 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

- Part 2 is reserved for Occupational Health. It replaces the withdrawn *Occupational Health Regulations* and now falls under the *Occupational Health and Safety Act* as opposed to the *Health Protection Act*. This part 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: Conflicts with Occupational Safety General Regulations

- Part 17 was 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

- Part 21, “Fall Protection” replaces the Fall Protection portion of the previous *Fall Protection and Scaffolding Regulations*. It 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 restructured 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

- Part 22 covers “Work Requiring Rope Access”. This pertains specifically 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

- Part 23 is entitled, “Scaffolds and Other Elevated Work Platforms” and 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

- Part 24 is titled “Temporary Workplaces on Highways” and replaces the previous regulation “Temporary Workplace Traffic Control”. This part retains 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 visibility apparel and references the Section 1.17 exemption for emergency services agencies when responding to an emergency.