Exploring Nova Scotia`s Occupational Health and Safety Legislative Structure

Community of Safe Practice

Nova Scotia Health + Community Services Safety Association

Labour and Advanced Education

Workers` Compensation Board of Nova Scotia
Introduction

This coaching module “Exploring Nova Scotia’s OHS Legislative Structure” is the first of two designed to assist workplace leaders in understanding the Occupational Health and Safety Legislative Structure in Nova Scotia. It discusses the NS OHS Act, Regulations, Standards and Codes of Practice. It explores the foundation for the OHS Legislation, namely the “Internal Responsibility System” (IRS).

The second module “Improving Safety Outcomes and Legislative Compliance through a Health & Safety Management System” discusses how to move towards improved safety outcomes and Legislative compliance via the development, implementation and monitoring of an OH&S Management System.
Module Objectives

• Distinguish between the NS OHS Act and Regulations pursuant to the Act understanding the purpose for each

• Understand how Standards and Codes of Practice become law once cited in Regulation

• Understand the intent of Section 2 of the Act – “Internal Responsibility System”

• List Regulations applicable to your organization and why they apply
OH&S - Why Should I be Concerned?

• Human Toll
  – Pain and suffering, impact on families, impact on organization

• Ethical
  – It is the right thing to do

• Financial Impacts
  – Insurance rates, productivity, retention and recruitment, overtime, etc.

• Legal Impacts
  – Prosecution, fines, imprisonment
The Occupational Health & Safety Act

• Applies to all employers under provincial jurisdiction (s.4)

• Administered by the NS Labour and Advanced Education
  – Outlines functions of the Division (s.9)
NS OHS Legislative Structure & Hierarchy of Laws

THE WHAT

NS ACT

THE HOW

REGS (12)

Best/Leading Practice

CODES OF PRACTICE

STANDARDS
CSA / ALI / ANSI / CGSB /

NOVA SCOTIA CANADA
## Key Sections of the OHS Act

<table>
<thead>
<tr>
<th>Section (ACT)</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td><em>Internal Responsibility System</em></td>
</tr>
<tr>
<td>13</td>
<td><em>Duties Of Employer</em></td>
</tr>
<tr>
<td>17</td>
<td><em>Duties of Employees</em></td>
</tr>
<tr>
<td>27</td>
<td><em>Requirements for Policy</em></td>
</tr>
<tr>
<td>28</td>
<td><em>Requirements for Program</em></td>
</tr>
</tbody>
</table>
Occupational Health and Safety Act & the Internal Responsibility System (IRS)

The foundation of OH&S Act of Nova Scotia is the IRS which
(a) is based on the principle that
   (i) employers, contractors, constructors, employees and self-employed persons at a workplace, and
   (ii) the owner of a workplace, a supplier of goods or provider of an occupational health or safety service to a workplace or an architect or professional engineer, all of whom can affect the health and safety of persons at the workplace,
   share the responsibility for the health and safety of persons at the workplace;
(b) assumes that the primary responsibility for creating and maintaining a safe and healthy workplace should be that of each of these parties, to the extent of each party’s authority and ability to do so;
(c) includes a framework for participation, transfer of information and refusal of unsafe work, all of which are necessary for the parties to carry out their responsibilities pursuant to this Act and the regulations; and
(d) is supplemented by the role of the Occupational Health and Safety Division of the Department of Labour and Advanced Education, which is not to assume responsibility for creating and maintaining safe and healthy workplaces, but to establish and clarify the responsibilities of the parties under the law, to support them in carrying out their responsibilities and to intervene appropriately when those responsibilities are not carried out.
Internal Responsibility System

• The basis of Nova Scotia’s Occupational Health and Safety (OHS) Act is the Internal Responsibility System (IRS).

• The IRS is founded on the principle that everyone at the workplace shares responsibility for creating and maintaining safe and healthy workplaces and that the greatest degree of responsibility goes to the party with the greatest control in the workplace.

• As the employer, you have the greatest control and, therefore, the greatest responsibility for maintaining health and safety in your workplace.
Internal Responsibility System (Con`t)

• All workplace parties share responsibility for health and safety of persons at the workplace
  – employer / constructor / contractor
  – employees / unions
  – suppliers / engineers / architects
Employee Rights

In all workplaces in Nova Scotia, employees have the following three basic rights under the IRS:

1. To know about anything that could affect health and safety in the workplace.

2. To participate in making the workplace safe.

3. To refuse work that is not safe.

Employee Responsibilities

Must take every reasonable precaution to:

1. Protect their health & safety and that of others
2. Cooperate with employer and other employees
3. Use protective devices, equipment and clothing
4. Report any hazard to supervisor - if not resolved to the JOHSC or the Division
Employer Responsibilities

- Must take **every reasonable precaution** to ensure:
  1. The health and safety of persons at the workplace
  2. Equipment is properly fitted with safety devices
  3. Employees know the proper use of safety equipment
  4. People have the necessary information, training, supervision and facilities
  5. Identify hazards and make employees and supervisors familiar with the hazards and how to avoid injury / illness
  6. Perform work a manner that does not expose employees to hazards
  7. Constructors / Contractors must ensure health and safety information is communicated to all parties, e.g. construction site
Regulations

• Regulations define the minimum requirements in law

• Regulations:
  – have general application (WHMIS)
  – apply to a particular hazard (s) (e.g., workplace violence, fall protection) or
  – a particular type of work or workplace (e.g., welding, mining)

• Regulations cite specific standards
Group Discussion – Learning From Each Other

The next slide provides you with a list of NS Regulations, there are 10 in total.

Your assignment is to discuss if all 10 listed are applicable to **your organization** and why or why not.
Blasting Safety Regulations; 
Occupational Diving Regulations; 
Occupational Health Regulations; 
Occupational Health and Safety Administrative Penalties Regulations 
First Aid Regulations; 
Occupational Safety General Regulations; 
Underground Mining Regulations; 
Violence in the Workplace Regulations; 
Workplace Hazardous Materials Information System Regulations (WHMIS) 
Workplace Health and Safety Regulations
Codes of Practice

• A code of practice:
  – Deals with a specific hazard not covered under legislation
  – Becomes enforceable as law by order of the director

• Current codes of practice:
  1. Removal of Friable Asbestos-Containing Materials
  2. Managing Asbestos in Buildings
  3. Working with Lead
  4. Preventing Workplace Violence: Codes of Practice
Standards

- OH&S legislation cite standards (e.g., Canadian Standards Association, American National Standards Institute, and American Society of Mechanical Engineers)

- These standards cover equipment, manufacturing, end-user, processes, training requirements, etc.

- There are at least 22 standards that apply to NS OH&S legislation
What is Minimum Compliance?

• Meeting the minimum requirements of:
  – The NS OH&S Act
  – Regulations
  – Codes of Practice
  – Standards cited in law

• Minimum requirements **do not** ensure a safe workplace
Is Minimum Compliance Enough?

• Do you accept meeting a minimum score as success for:
  – Job performance?
  – Job satisfaction?
  – Customer satisfaction?

• Would you feel safe using the following services if they strived to meet a minimum safety standard only?
  – Airline company?
  – Meat processing company?
  – Tire manufacturing company?
Group Discussion
Learning From Each Other
Due Diligence
(Expected Level of Care)

• Applied to occupational health and safety, due diligence means that workplace parties shall take all reasonable precautions, under the particular circumstances, to prevent injuries or accidents in the workplace.

• This duty applies to situations that are not addressed elsewhere in the occupational health and safety legislation.
Internal Responsibility System & Due Diligence

- BOD
- CEO
- Vice President
- Manager
- Front-Line Staff

Accountability:
Delegate: Responsibility
Due Diligence

• In module two we explore the concept of due diligence and explore how to demonstrate via a HSMS.

• Employers must take all *reasonably practicable* steps to protect the health and safety of their employees, as well as employees of other service providers, contractors and volunteers.

• All workers must take reasonable care to protect the health and safety of themselves, their coworkers and workers of other organizations.

• Requirements are detailed in the *Nova Scotia Occupational Health and Safety Act*. 
MODULE OBJECTIVES

• Distinguish between the NS OHS Act and Regulations pursuant to the Act understanding the purpose for each

• Understand how Standards and Codes of Practice become law once cited in Regulation

• Understand the intent of Section 2 of the Act – “Internal Responsibility System”

• List Regulations applicable to your organization and why they apply
Thank You/Questions