**Summary of Changes to Occupational Health and Safety Regulations**

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. It is not exhaustive and not all changes are identified here. It is not a substitute for reviewing the regulations themselves and cannot be relied on. 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](http://www.gov.ns.ca/just/regulations/rxam-z.htm#ohs).

**Occupational General Safety Regulations:**

- All references to standards, legislation and codes were reviewed and updated to most recent version.
- Revised and updated definitions.
- Section 6 amended the regulations 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- Section 14 was revised to remove reference to withdrawn CGSB-65.11-M88 “Personal Floatation Devices” and replaced with a requirement for a life jacket or personal floatation device to be approved by Transport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 vice Fire Prevention Act and to provide clarity regarding the inspection and servicing of fire extinguishers.
- Section 34 was amended to clarify regulation regarding unconsolidated bulk material.
- Section 129 included a clause to clarify that, when considering whether a space is classified as a “confined space”, a person must not take into account the protection afforded through the use of personal protective equipment or ventilation as these may fail.
- There are several additional clarifications in the Confined Spaces part.
- Several modifications and deletions were made to section 142 (Stairways) to be consistent with building code. Provisions for scaffolding were moved to WHSR.
- Section 148 includes a requirement for annual inspection of ladders and records to be kept.
- Section 153 was amended to address several questions regarding the physical limit of underground utility lines.
- Section 169 was amended to ensure concentration of substances in excavation or trenching does not exceed occupational exposure limits.
- Section 183 was amended to provide clarity regarding the beginning of work after a blast.
Section 185 was amended to remove the requirement for certification where there is no possibility of a collapse of unconsolidated material on equipment or a person.

Section 186 and 188 were amended to remove the requirement for a written safe work procedure 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 consolidation of the OHS regulations into a single regulation (with the exception of Underground mining). It contains a list of general definitions and applications that are pertinent to the regulations included within the document. 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 are anticipated over the next few years.

Similar to the revised OSGR, 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.

Section 1.16 and 1.17 are new sections that describe the exemptions that may apply to Emergency Services Agencies.

Part 2 is the section reserved for Occupational Health. It replaces the withdrawn Occupational Health Regulations and now falls under the OHS Act as opposed to the Health Protection Act. This part provides a little 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 current time, continues to refer to the latest version of the ACGIH TLV and BEI booklet for occupational exposure limits.

Part 17 is a section that was established to cover equipment that specifically pertains to Firefighters.

Part 21 “Fall Protection” replaces the Fall Protection portion of the previous Fall Protection and Scaffolding Regulations. It essentially updates references to standards, provides clarification and a requirement for training and written safe-work procedures or plans. One of the major changes is that it does not refer to the type of fall protection required for various roof pitches.
It is considered that the workplace parties are in the best position to establish the most appropriate form of fall protection suitable to the situation. The caveat is that they must have a written safe-work procedure or plan to describe the precautions that are taken. While the part may have been restructured and updated, the essence of the original regulations’ principles has been retained.

- Several modifications were made to the definitions in section 21.1
- 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, but the height does not exceed 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 in excess of 7.5 meters. The section includes the minimum requirements for the plan.
- Sections 21.12 to 21.18 describe the fall protection equipment that may be used.
- Sections 21.19 to 21.22 describe the fall protection training requirements, which include the type of training required, topics to be covered, the documentation and records requirements, including a 3 year validity period, and a requirement for a practical component to the course.
- Part 22 covers Work Requiring Rope Access. This pertains specifically to a unique type of work that means “a method of using ropes, in combination with other devices, for ascending or descending to a work area and work positioning, while further protected by a safety line (see actual definition in Section 22.1). This is very specific work and requires the adoption of a code of practice – either Industrial Rope Access Trade Association, or an equivalent approved by the Executive Director. This part covers certification, equipment and documentation required.
- Part 23 covers Scaffolds and Other Elevated Work Platforms and replaces the Scaffolding section of the previous Fall Protection and Scaffolding Regulations.
- Section 23.2 clarifies the meaning of manufacturer’s specifications as they relate to this Part and also when an Engineer’s certification is required.
- 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 23.9 clarifies the requirements for inspection (as per appropriate standard and manufacturers’ specifications)
- 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 of 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 construction, maintenance and utility to adopt a code of practice (TWTC manual or equivalent).
- Section 24.4 requires 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.
- There are some specific exemptions to Part 24 for emergency services agencies when engaged in responding to an emergency.