The Saskatchewan Employment Act

being

Chapter S-15.1* of the *Statutes of Saskatchewan, 2013* (effective April 29, 2014) as amended by the *Statutes of Saskatchewan,* 2014, c.E-13.1 and c.27; 2015, c.31; 2016, c17, 2017, c.P-30.3 and c.31; and 2018, c.35 and c.42.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

TABLE OF CONTENTS

PART I
Preliminary Matters

1-1 Short title
1-2 Interpretation
1-3 Crown bound
1-4 Responsibilities of minister re Act

PART II
Employment Standards

DIVISION 1
Preliminary Matters for Part

2-1 Interpretation of Part
2-2 Meaning of permit to work
2-3 Application of Part
2-4 Responsibilities of minister re Part

DIVISION 2
Conditions of Employment

Subdivision 1
General

2-5 No charge for hiring or providing information
2-6 Agreements not to deprive employees of benefits of Part
2-7 More favourable conditions prevail
2-8 Prohibition on discriminatory action
2-9 Action to recover wages preserved
2-10 Employment deemed continuous

Subdivision 2
Hours of Work

2-11 Work schedules
2-12 Overtime hours not to be required
2-13 Required period of rest
2-14 Meal breaks

Subdivision 3
Obligation to Pay Wages

2-15 Total wages
2-16 Minimum wage
2-17 Overtime pay
2-18 Overtime pay after eight hours and 40 hours
2-19 Modified work arrangement
2-20 Authorization re overtime

Subdivision 4
Discrimination in Pay Prohibited

2-21 No discrimination in pay

Subdivision 5
Special Rules for Certain Firefighters

2-22 Regulations re hours and conditions of work for firefighters

Subdivision 6
Annual Vacation

2-23 Interpretation for Subdivision
2-24 Annual vacation periods and common date
2-25 Manner of taking vacation
2-26 Notice of vacation period
2-27 Vacation pay
2-28 When public holiday occurs during a vacation
2-29 Payment of vacation pay on ending of employment

Subdivision 7
Public Holidays

2-30 Public holidays
2-31 Substituting another day for a public holiday
2-32 Public holiday pay

Subdivision 8
Payment of Wages

2-33 Paydays
2-34 Wages to be paid notwithstanding dispute
2-35 How wages are paid
2-36 Deductions and special clothing
2-37 Statement of earnings required

Subdivision 9
Additional Obligations of Employer

2-38 Employer to keep record of wages, hours worked, etc.
2-39 Provision of benefits
2-40 Protection of employees for illness or injury
2-41 Employer must reassign employee or modify employee's duties
2-42 Employer not to take discriminatory action

Subdivision 10
General Rules re Employment Leave

2-43 Entitlement to apply for employment leave
2-44 Employer to grant employment leave
2-45 Human rights not affected
2-46 Notice re employment leave
2-47 Medical evidence
2-48 Length of service, rights of recall, benefits and reinstatement

Subdivision 11
Employment Leave

2-49 Maternity leave
2-50 Adoption leave
2-51 Parental leave
2-52 Organ donation leave
2-53 Reserve force service leave
2-54 Nomination, candidate and public office leave
2-55 Bereavement and compassionate care leave
2-56 Compassionate care leave
2-56.1 Interpersonal violence leave
2-57 Critically ill child care leave
2-58 Crime-related child death or disappearance leave
2-59 Citizenship ceremony leave

Subdivision 12
Layoff and Termination

2-60 Notice required
2-61 Payments in case of layoffs or terminations

2-62 Notice of group termination
2-63 Employee notice re termination

DIVISION 3
Priority of Wages

2-64 Interpretation of Division
2-65 Wages accruing or due to be held in trust
2-66 Security interest on wages accruing or due
2-67 Employees wages paid if assets of employer are insufficient
2-68 Corporate directors liable for wages
2-69 Responsibility of certain employers and contractors re wages of subcontractor's employees

DIVISION 4
Demand on Third Party and Moneys Owing to Crown

2-70 Demand
2-71 Demand re moneys owing by the Crown and public agencies
2-72 How moneys received by the director are to be handled
2-73 Dispute of liability of person who received demand

DIVISION 5
Wage Assessments, Appeals, Certificates, Collections

2-74 Wage assessments
2-75 Commencement of appeal to adjudicator
2-76 Hearings for certain claims
2-77 Director's certificate
2-78 Filing certificate in Court of Queen's Bench
2-79 Enforcement of judgment

DIVISION 6
General

Subdivision 1
Administration

2-80 Director of employment standards
2-81 Appointment of employment standards officers
2-82 Written credentials for employment standards officers
2-83 Inspection
2-84 Investigations
2-85 Fee re wage assessments
2-86 Compliance audits and audit fees
2-87 Director has standing as representative of employees
2-88 Negotiation and settlement by director of employment standards
2-89 Time limits for claims to director of employment standards
2-90 Director of employment standards to keep records of moneys paid pursuant to this Part
2-91 Posting of documents
2-92 Enforcement of extraprovincial judgments
2-93 Application to set aside filed orders and judgment
2-94 *The Pension Benefits Act, 1992* to prevail

Subdivision 2
Offences and Penalties

2-95 Offences
2-96 Order to pay wages or deliver records and information
2-97 Additional powers of convicting court
2-98 Limitation on prosecutions

DIVISION 7
Regulations

2-99 Regulations for Part

DIVISION 8
Transitional

2-100 Transitional

PART III
Occupational Health and Safety

DIVISION 1
Preliminary Matters for Part

3-1 Interpretation of Part
3-2 Responsibilities of minister re Part

DIVISION 2
Administration

3-3 Appointment of director of occupational health and safety
3-4 Appointment of chief occupational medical officer
3-5 Appointment of chief mines inspector
3-6 Appointment of occupational health officers
3-7 Written credentials for occupational health officers

DIVISION 3
Duties

3-8 General duties of employer
3-9 General duties of supervisors
3-10 General duties of workers
3-11 General duties of self-employed persons
3-12 General duties of contractors
3-13 General duties of prime contractors at certain multi-employer worksites
3-14 General duties of owners
3-15 General duties of suppliers
3-16 Duty to provide information
3-17 Exemption
3-18 Provision of information to medical personnel
3-19 Duty to provide occupational health and safety service
3-20 Duty to provide occupational health and safety programs
3-21 Duty re policy statement on violence and prevention plan

DIVISION 4
Occupational Health Committees and Occupational Health and Safety Representatives

3-22 Establishment of committees
3-23 Director may order additional or new occupational health committees
3-24 Designation of representatives

3-25 Duty to post names
3-26 General concern of committees and representatives
3-27 Duties of committees
3-28 Duties of representatives
3-29 Reference of matters to occupational health officer
3-30 Provision of reports by occupational health officer

DIVISION 5
Right to Refuse Dangerous Work; Discriminatory Action

3-31 Right to refuse dangerous work
3-32 Investigation by occupational health officer
3-33 Decision of occupational health officer
3-34 Other workers not to be assigned
3-35 Discriminatory action prohibited
3-36 Referral to occupational health officer
3-37 Order to reinstate worker wrongfully discriminated against

DIVISION 6
Compliance Undertakings and Notices of Contravention

3-38 Compliance undertakings and notices of contravention
3-39 Directions to remedy contravention
3-40 Contravention involving risk to health or safety
3-41 Contravention involving serious risk to health or safety
3-42 Copy of compliance undertaking or notice of contravention
3-43 Progress report
3-44 Reassignment to alternative work
3-45 Withdrawals of certain requirements
3-46 Notices of contravention that do not take immediate effect

DIVISION 7
Workplace Hazardous Materials Information System

3-47 Interpretation of Division
3-48 Employer's duties re substances and hazardous products
3-49 Information re hazardous product
3-50 Exemption from disclosure
3-51 Information confidential

DIVISION 8
Appeals

3-52 Interpretation of Division
3-53 Appeal of occupational health officer decision
3-54 Appeals re harassment or discriminatory action
3-55 Providing appeal material to adjudicator
3-56 Appeal of director's decision to adjudicator
3-57 Decisions not stayed by appeals
3-58 Discriminatory action during appeal

DIVISION 9
Medical Examinations and Treatment

3-59 Medical examination
3-60 Confidentiality
3-61 Power to require alternative work
3-62 Reports to be provided by physician, hospital, etc.

DIVISION 10
Inspections, Inquiries and Investigations

3-63 Inspections
3-64 Obtaining information
3-65 Report re condition of plant
3-66 Requirement to perform tests or examinations
3-67 Inquiry
3-68 Investigations

DIVISION 11
Councils, Workers' Compensation Board and Director's Decisions

3-69 Occupational Health and Safety Council
3-70 Duties of Occupational Health and Safety Council
3-71 Farm Health and Safety Council
3-72 Duties of Farm Health and Safety Council
3-73 Certain matters re councils and administration of this Part
3-74 Costs of administration of this Part
3-75 Forwarding information to Workers' Compensation Board
3-76 Director's decisions to be posted
3-77 Promptness of decisions

DIVISION 12
Offences and Penalties

3-78 Offences
3-79 Penalties
3-80 Onus on accused re duty or requirement
3-81 Onus on accused re training of workers
3-82 Limitation on prosecution

DIVISION 13
Regulations and Codes of Practice

3-83 Regulations for Part
3-84 Codes of practice
3-85 Exemptions

DIVISION 14
Transitional

3-86 Transitional

PART IV
Appeals and Hearings re Parts II and III

4-1 Adjudicators
4-2 Adjudicator – duties
4-3 Selection of adjudicator
4-4 Procedures on appeals
4-5 Powers of adjudicator
4-6 Decision of adjudicator
4-7 Written decisions
4-8 Right to appeal adjudicator's decision to board

4-9 Appeal to Court of Appeal
4-10 Right of director to appeal
4-11 Power to enforce orders and decisions
4-12 Regulations for Part

PART V
Radiation Health and Safety

DIVISION 1
Preliminary Matters for Part

5-1 Interpretation of Part
5-2 Responsibilities of minister re Part

DIVISION 2
Ionizing Radiation

5-3 Establishment and alteration of ionizing radiation installation, installation of ionizing radiation equipment
5-4 Statements required re ionizing radiation installations and equipment
5-5 Manufacture and use of ionizing radiation equipment and associated apparatus
5-6 Qualifications for management, control or operation

DIVISION 3
Non-ionizing Radiation

5-7 Establishment and alteration of non-ionizing radiation installation
5-8 Statements required re equipment emitting non-ionizing radiation
5-9 Manufacture and use of non-ionizing radiation equipment and associated apparatus
5-10 Qualifications for management, control and use

DIVISION 4
Matters affecting Ionizing and Non-ionizing Radiation

5-11 Restrictions on use
5-12 Information required
5-13 Incidents or hazards
5-14 Records

DIVISION 5
General

5-15 Use of certain fluoroscopes prohibited
5-16 Radiation health officers, appointment and powers
5-17 Inspections
5-18 Investigations
5-19 Powers of radiation health officer re repairs, alterations and servicing
5-20 Services provided by minister
5-21 Radiation Health and Safety Committee
5-22 Application of radiation
5-23 Offence and penalty
5-24 Regulations for Part
5-25 Codes of practice
5-26 Transitional

PART VI
Labour Relations

DIVISION 1
Preliminary Matters for Part

6-1 Interpretation of Part
6-2 Responsibility and powers of minister re Part
6-3 Capacity of unions

DIVISION 2
Rights, Duties, Obligations and Prohibitions

6-4 Right to form and join a union and to be a member of a union
6-5 Coercion and intimidation prohibited
6-6 Certain actions against employees prohibited
6-7 Good faith bargaining
6-8 Board order re religious objections

DIVISION 3
Acquisition and Termination of Bargaining Rights

6-9 Acquisition of bargaining rights
6-10 Change in union representation
6-11 Determination of bargaining unit
6-12 Representation vote
6-13 Certification order
6-14 Application to cancel certification order – union ceases to be a union
6-15 Application to cancel certification order unfair labour practice
6-16 Application to cancel certification order – abandonment
6-17 Application to cancel certification order – loss of support

DIVISION 4
Successor Rights and Obligations

6-18 Transfer of obligations
6-19 Effect of business becoming subject to Saskatchewan laws
6-20 Board may declare related businesses to be one employer
6-21 Successor union

DIVISION 5
Votes

6-22 Votes by secret ballot
6-23 Voting requirements

DIVISION 6
Collective Bargaining

6-24 Commencing collective bargaining – first agreement
6-25 Assistance re first collective agreement
6-26 Commencing collective bargaining – renewal or revision

DIVISION 7
Assistance in Bargaining

6-27 Appointment of labour relations officer
6-28 Special mediator
6-29 Conciliation board

DIVISION 8
Strikes and Lockouts

6-30 Lockouts and strikes prohibited during term of collective agreement
6-31 Bargaining required before strike vote or lockout
6-32 Strike vote required
6-33 Notice of impasse and mediation or conciliation required before strike or lockout
6-34 Notice re strikes or lockouts
6-35 Vote on employer's last offer
6-36 Benefits during strike or lockout
6-37 Reinstatement of employees after strike or lockout

DIVISION 9
Collective Agreements

Subdivision 1
Ratification of and Length of Collective Agreements

6-38 Ratification vote
6-39 Period for which collective agreements remain in force
6-40 Authority of board to vary expiry dates in certain circumstances

Subdivision 2
General Matters

6-41 Parties bound by collective agreement
6-42 Union security clause
6-43 Employer to deduct dues
6-44 Copies of collective agreements to be filed with minister

Subdivision 3
Resolution of Collective Agreement Disputes

6-45 Arbitration to settle disputes
6-46 Arbitration procedure – single arbitrator
6-47 Arbitration procedure – arbitration board
6-48 Arbitration re termination or suspension
6-49 Rules of arbitration
6-50 When arbitration decision must be given
6-51 Paying costs of arbitration
6-52 *The Arbitration Act, 1992* not to apply
6-53 Mediation for grievance

DIVISION 10
Technological Change and Organizational Change

6-54 Technological change and organizational change
6-55 Application to board for an order re technological change or organizational change
6-56 Workplace adjustment plans
6-57 When Division does not apply

DIVISION 11
Unions and Union Members

6-58 Internal union affairs
6-59 Fair representation
6-60 Applications re breach of duty of fair representation
6-61 Financial statement of unions

DIVISION 12
Unfair Labour Practices

6-62 Unfair labour practices – employers
6-63 Unfair labour practices – unions, employees

DIVISION 13
Construction Industry

Subdivision 1
Preliminary Matters for Division

6-64 Purpose of Division
6-65 Interpretation of Division

Subdivision 2
Trade Divisions and Project Agreements

6-66 Trade divisions
6-67 Project agreements

Subdivision 3
Unionized Employers

6-68 Rights and duties of unionized employers

Subdivision 4
Representative Employers' Organizations

6-69 Determination of representative employers' organizations
6-70 Effect of determination
6-71 Constitution and bylaws of representative employers' organizations
6-72 Prohibitions on certain activities of representative employers' organizations
6-73 Pre-job conference

Subdivision 5
Council of Unions

6-74 Council of unions
6-75 Effect of agreements re council of unions

Subdivision 6
Contract Administration and Industry Development Fees

6-76 Contract administration and industry development fees

Subdivision 7
Additional Obligations re Strikes and Lockouts

6-77 Strike or lockout – vote required
6-78 Selective strikes and lockouts prohibited

Subdivision 8
Spin-off Corporations

6-79 Spin-off corporations

Subdivision 9
Board Orders

6-80 Board orders

DIVISION 14
Health Sector

6-81 Purpose of Division
6-82 Interpretation of Division
6-83 Bargaining units in the health sector
6-84 Effect of designation
6-85 Obligations of health sector employers

DIVISION 15
Firefighters

6-86 Interpretation of Division
6-87 Application of Division
6-88 Referral to arbitration
6-89 Arbitration board
6-90 Arbitration board procedures
6-91 Decision of arbitration board

DIVISION 16
Labour Relations Board

Subdivision 1
Board Continued

6-92 Board continued
6-93 Members of board
6-94 Members may continue to complete proceedings
6-95 Quorum
6-96 Board orders
6-97 Executive officer
6-98 Investigating officer
6-99 Minister to provide technical support
6-100 Immunities and privileges of board members
6-101 Annual report
6-102 Content of annual report

Subdivision 2
Board Powers and Duties

6-103 General powers and duties of board
6-104 Board powers
6-105 Provisional determination of employee

Subdivision 3
Additional Powers of Board re Applications and Orders

6-106 Power to dismiss certain applications – influence, etc., of employers
6-107 Power to reject certain evidence
6-108 Power to enforce orders and decisions
6-109 Power to rescind certification order obtained by fraud
6-110 Board may determine dispute on consent

Subdivision 4
Hearings and Proceedings

6-111 Powers re hearings and proceedings
6-112 Proceedings not invalidated by irregularities
6-113 Board may correct clerical errors
6-114 Board orders or decisions binding and conclusive
6-115 No appeals from board orders or decisions
6-116 Deadline for board decisions

DIVISION 17
General Matters

6-117 Industrial inquiry commission
6-118 Director of labour relations
6-119 Labour relations services
6-120 Providing information
6-121 Certain information privileged
6-122 Lieutenant Governor in Council may declare certain Acts of Parliament to apply
6-123 Offences and penalties
6-124 Attorney General's permission re prosecutions required
6-125 Regulations for Part
6-126 Board regulations

DIVISION 18
Transitional

6-127 Transitional matters

PART VII
Essential Services

DIVISION 1
Preliminary Matters for Part

7-1 Interpretation of Part
7-2 Application of Part

DIVISION 2
Essential Services Agreements

7-3 Negotiation of essential services agreement
7-4 Contents of essential services agreement
7-5 Prohibition on work stoppage without essential services agreements, etc.

DIVISION 3
No Essential Services Agreements

7-6 Notice of impasse
7-7 Essential services tribunal
7-8 Period within which tribunal must commence hearing and make a decision
7-9 Public employer or union may apply for further decisions
7-10 Period within which further decision must be made
7-11 Matters respecting further decision
7-12 Effect of decision
7-13 When decision is effective

DIVISION 4
If Lockout or Strike is Substantially Interfered With

7-14 Procedures if lockout or strike is substantially interfered with
7-15 Mediation-arbitration to conclude a collective agreement – mediation-arbitration board
7-16 Mediation by mediation-arbitration board
7-17 Arbitration by mediation-arbitration board
7-18 Mediation-arbitration to conclude a collective agreement – single mediator-arbitrator
7-19 Mediation by single mediator-arbitrator
7-20 Arbitration by single mediator-arbitrator
7-21 Matters to be considered by mediation-arbitration board or single mediator-arbitrator
7-22 Multi-employer bargaining units

DIVISION 5
General Matters re Part

7-23 Determination of essential services employees
7-24 Obligations of public employers
7-25 Obligations of unions

7-26 No person or union to prevent compliance with this Part
7-27 No person or union to aid, abet or counsel non-compliance with this Part
7-28 Unfair labour practices re Part
7-29 Essential services employees to continue or resume essential services
7-30 Copies of essential services agreements to be filed with minister
7-31 Termination of essential services agreement
7-32 Requirements for work schedules
7-33 *The Arbitration Act, 1992* not to apply
7-34 Change in membership of tribunal
7-35 Offences and penalties re Part
7-36 Regulations for Part

PART VIII
Labour-Management Actions (Temporary Measures During an Election)

8-1 Interpretation of Part
8-2 Order of the Lieutenant Governor in Council
8-3 Prohibitions and obligations
8-4 Offences and penalties
8-5 Application to court to direct compliance

PART IX
General

DIVISION 1
Assignment of Wages

9-1 Interpretation of Division
9-2 Assignment of wages generally prohibited
9-3 Certain wage assignments valid
9-4 Assignment of wages to certain credit unions
9-5 Restrictions on wage assignments

DIVISION 2
Other Matters

9-6 Offences by corporation
9-7 Offences by union
9-8 Vicarious liability
9-9 Service
9-10 Immunity
9-11 Forms for Act
9-12 Regulations
9-13 Review of Act
9-14 Evidentiary effect of documents

PART X
Repeals and Consequential Amendments

DIVISION 1
Repeals

10-1 R.S.S. 1978, c.A-30 repealed
10-2 R.S.S. 1978, c.B-8 repealed
10-3 S.S. 1992, c.C-29.11 repealed
10-4 R.S.S. 1978, c.E-9 repealed
10-5 R.S.S. 1978, c.F-14 repealed
10-6 S.S. 1996, c.H-0.03 repealed
10-7 S.S. 1981-82, c.L-0.1 repealed
10-8 R.S.S. 1978, c.L-1 repealed
10-9 S.S. 1993, c.O-1.1 repealed
10-10 S.S. 1984-85-86, c.R-1.1 repealed
10-11 R.S.S. 1978, c.T-17 repealed
10-12 R.S.S. 1978, c.W-1 repealed

DIVISION 2
Consequential Amendments

10-13 S.S. 1986, c.A-18.1, new section 40
10-14 S.S. 1999, c.A-22.2, section 2 amended
10-15 R.S.S. 1978, c.A-35 amended
10-16 S.S. 1984-85-86, c.B-7.1 amended
10-17 R.S.S. 1978, c.B-10, new section 114
10-18 S.S. 1991, c.C-50.11, section 2 amended
10-19 S.S. 1997, c.D-4.1, section 23 amended
10-20 S.S. 1993, c.E-6.3, section 28 amended
10-21 S.S. 1993, c.G-3.2, section 30 amended
10-22 R.S.S. 1978, c.H-14.1, section 4 amended
10-23 S.S. 1986, c.L-0.2, section 2 amended
10-24 S.S. 1982-83, c.L-30.1 amended
10-25 S.S. 1994, c.M-9.2, section 17 amended
10-26 S.S. 2010, c.N-5.2, section 94 amended
10-27 S.S. 1992, c.P-6.001, section 2 amended
10-28 S.S. 1989-90, c.P-6.01, section 14.4 amended
10-29 S.S. 1990-91, c.P-15.01 amended
10-30 R.S.S. 1978, c.P-27, section 12 repealed
10-31 S.S. 1994, c.P-37.1, section 19.1 amended
10-32 S.S. 1998, c.P-42.1, section 2 amended
10-33 S.S. 1983, c.R-22.01, section 48 amended
10-34 S.S. 1979, c.S-24.1, section 16 amended
10-35 R.S.S. 1978, c.T-12, section 7 amended

PART XI
Coming into Force

11-1 Coming into force

CHAPTER S-15.1

An Act respecting Employment Standards, Occupational Health and Safety, Labour Relations and Related Matters and making consequential amendments to certain Acts

PART I
Preliminary Matters

Short title

1-1 This Act may be cited as *The Saskatchewan Employment Act*.

Interpretation

1-2(1) In this Act:

(a) **"board"** means the Labour Relations Board continued pursuant to section 6-92;

(b) **"business day"** means a day other than a Saturday, Sunday or holiday;

(c) **"Crown"** means the Crown in right of Saskatchewan;

(d) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(e) **"ministry"** means the ministry over which the minister presides;

(f) **"prescribed"** means prescribed in the regulations made by the Lieutenant Governor in Council.

(2) A reference in a Part to "regulations made pursuant to this Part" is to be read as a reference to regulations made pursuant to that Part and to section 9-12.

2013, c.S-15.1, s.1-2.

Crown bound

1-3 The Crown is bound by this Act.

2013, c.S-15.1, s.1-3.

Responsibilities of minister re Act

1-4(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to the matters governed by this Act.

(2) For the purposes of carrying out the minister's responsibilities pursuant to this Act, the minister may:

(a) collect, assimilate and publish in suitable form statistical and other information relating to conditions of labour and employment in Saskatchewan;

(b) make inquiries into and report on the labour and employment legislation in force in any jurisdiction in or outside Canada and, on the basis of those inquiries and reports, make any recommendations that the minister considers advisable with regard to the labour and employment law of Saskatchewan; and

(c) consider and report on any petition or recommendation for a change in the labour and employment law of Saskatchewan that is presented or made by a union, an employer or any other person.

2013, c.S-15.1, s.1-4.

PART II
Employment Standards

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

2-1 In this Part and in Part IV:

(a) **"corporate director"** means a director of a corporation that is an employer;

(b) **"day"** means:

(i) for the purpose of Subdivisions 2 and 3 of Division 2, any period of 24 consecutive hours; and

(ii) for any other purpose, a calendar day;

(c) **"director of employment standards"** means the director of employment standards appointed pursuant to section 2-80;

(d) **"discriminatory action"** means any action or threat of action by an employer that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of an employee, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty but does not include:

(i) any reassignment of duties for the reasons set out in section 2-41 or subsection 2-49(4); or

(ii) any other prescribed action;

(e) **"emergency circumstance"** means a situation where there is an imminent risk or danger to a person, property or an employer's business that could not have been foreseen by the employer;

(f) **"employee"** includes:

(i) a person receiving or entitled to wages;

(ii) a person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee;

(iii) a person being trained by an employer for the employer's business;

(iv) a person on an employment leave from employment with an employer; and

(v) a deceased person who, at the relevant time, was a person described in any of subclauses (i) to (iv);

but does not include a person engaged in a prescribed activity;

(g) **"employer"** means any person who employs one or more employees and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who, in the opinion of the director of employment standards, either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

(h) **"employment leave"** means a leave mentioned in Subdivision 11 of Division 2 that an employee is entitled to;

(i) **"employment standards officer"** means a person appointed as an employment standards officer pursuant to section 2-81;

(j) **"hourly wage"** means an amount an employee earns or is deemed to earn in an hour as determined in the prescribed manner;

(k) **"immediate family"** means:

(i) the employee's spouse, parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister; or

(ii) the employee's spouse's parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister;

(l) **"layoff"** means the temporary interruption by an employer of the services of an employee for a period exceeding six consecutive work days;

(m) **"minimum wage"** means the minimum wage required to be paid pursuant to section 2-16;

(n) **"modified work arrangement"** means an arrangement whereby the employer requires or permits an employee to work or to be at the employer's disposal that satisfies the requirements of section 2-19;

(o) **"overtime"** and **"overtime pay"** mean:

(i) pay at a rate of 1.5 times an employee's hourly wage; or

(ii) pay at a prescribed rate for a prescribed category of employees;

(p) **"pay instead of notice"** means an amount of money that is payable to an employee pursuant to subclause 2-61(1)(a)(ii);

(q) **"payday"** means the day on which an employee's wages are required to be paid in accordance with section 2-33;

(r) **"public holiday pay"** means an amount of money that is payable to an employee pursuant to section 2-32;

(s) **"spouse"** means, with respect to an employee:

(i) the legally married spouse of the employee; or

(ii) a person with whom the employee cohabits and has cohabited as spouses:

(A) continuously for a period of not less than two years; or

(B) in a relationship of some permanence if the person and the employee are the parents of a child;

(t) **"total wages"** means all remuneration that the employee is paid or entitled to be paid by his or her employer but does not include:

(i) bonuses payable at the discretion of the employer; or

(ii) tips or other gratuities;

(u) **"vacation pay"** means an amount of money that is payable to an employee pursuant to section 2-27;

(v) **"wages"** means salary, commission and any other monetary compensation for work or services or for being at the disposal of an employer, and includes overtime, public holiday pay, vacation pay and pay instead of notice;

(w) **"week"** means:

(i) for the purposes of sections 2-11, 2-12 and 2-17 to 2-20:

(A) the period between midnight on a Saturday and midnight on the following Saturday; or

(B) any other period of seven consecutive days that the employer has consistently used when determining the schedule of an employee; and

(ii) for all other purposes, a period of seven consecutive calendar days.

2013, c.S-15.1, s.2-1.

Meaning of permit to work

2-2 For the purposes of this Part, an employer is deemed to have permitted an employee to work within the meaning of the expression "permits to work" or "permitted to work" if the employer:

(a) knows or ought reasonably to know that the employee is working; and

(b) does not cause the employee to stop working.

2013, c.S-15.1, s.2-2.

Application of Part

2-3(1) This Part applies to all employees and employers in Saskatchewan other than:

(a) subject to subsections (2) and (3) and to the regulations made pursuant to this Part, those employees whose primary duties consist of actively engaging in farming, ranching or market gardening activities; and

(b) those employees or employers, or categories of employees or employers, excluded in the regulations made pursuant to this Part from all or portions of this Part.

(2) For the purposes of clause (1)(a), the following are deemed not to be within the meaning of farming, ranching or market gardening:

(a) the operation of egg hatcheries, greenhouses and nurseries;

(b) bush clearing operations;

(c) commercial hog operations.

(3) Section 2-68, Division 5 and section 2-87 apply to an employee employed primarily in farming, ranching or market gardening.

2013, c.S-15.1, s.2-3.

Responsibilities of minister re Part

2-4(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to employment standards and the promotion and enforcement of those standards.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting employment standards;

(b) provide assistance to employees and employers to understand the rights and obligations created by this Part by providing seminars, developing informational material and answering questions relating to those rights and obligations; and

(c) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.2-4.

DIVISION 2
Conditions of Employment

Subdivision 1
General

No charge for hiring or providing information

2-5(1) No person shall request, charge or receive, directly or indirectly, from another person seeking employment a payment for:

(a) seeking employment or obtaining employment for the other person or employing the other person; or

(b) providing information about employers seeking employees.

(2) A person does not contravene this section by requesting, charging or receiving payment for any form of advertisement from the person who placed the advertisement.

(3) A payment received by a person in contravention of this section is deemed to be wages owing to the person who made it and this Part applies to the recovery of the payment.

2013, c.S-15.1, s.2-5.

Agreements not to deprive employees of benefits of Part

2-6 No provision of any agreement has any force or effect if it deprives an employee of any right, power, privilege or other benefit provided by this Part.

2013, c.S-15.1, s.2-6.

More favourable conditions prevail

2-7(1) In this section, **"more favourable"** means more favourable than provided by this Part, any regulations made pursuant to this Part or any authorization issued pursuant to this Part.

(2) Nothing in this Part, in a regulation made pursuant to this Part or in any authorization issued pursuant to this Part affects any provision in any other Act, regulation, agreement, collective agreement or contract of services or any custom insofar as that Act, regulation, agreement, collective agreement, contract of services or custom gives any employee:

(a) more favourable rates of pay or conditions of work;

(b) more favourable hours of work;

(c) more favourable total wages; or

(d) more favourable periods of notice of layoff or termination.

(3) Without restricting the generality of subsection (2), if an employer is obligated to pay an employee for time worked on a public holiday or pay an employee overtime, no provision of any Act, regulation, agreement, collective agreement or contract of service and no custom that provides for the payment of wages for work on a public holiday or for overtime at less than 1.5 times the employee's hourly wage shall be considered more favourable to an employee.

2013, c.S-15.1, s.2-7.

Prohibition on discriminatory action

2-8(1) Unless authorized by this Part, no employer shall take discriminatory action against an employee because the employee:

(a) requests or requires the employer to comply with any right or benefit conferred on employees by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(b) requests or requires the employer to comply with any restriction or prohibition imposed on the employer by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(c) is pregnant or is temporarily disabled because of pregnancy;

(d) has applied for or taken an employment leave or is otherwise absent from the workplace in accordance with this Part;

(e) has requested a modification of the employee's duties or a reassignment to other duties for reasons set out in section 2-41 or subsection 2-49(4);

(f) seeks or has sought the enforcement of any provision in this Part or the regulations made pursuant to this Part; or

(g) has had his or her wages seized or attached.

(2) In any prosecution alleging a contravention of subsection (1), the onus is on the employer to prove that any discriminatory action taken against the employee was taken for good and sufficient cause.

2013, c.S-15.1, s.2-8.

Action to recover wages preserved

2-9(1) Unless otherwise restricted or prohibited by this Act, an employee may bring an action to enforce any right or benefit conferred on the employee by this Part or to recover any wages required to be paid to the employee by this Part.

(2) Unless the court grants leave otherwise, no employer shall assert a right of set-off or file a counterclaim in the action brought by the employee:

(a) for a breach of the terms and conditions of employment;

(b) for the enforcement of any right or benefit conferred on the employee by this Part; or

(c) for the recovery of any wages required to be paid to the employee by this Part.

2013, c.S-15.1, s.2-9.

Employment deemed continuous

2-10 For the purposes of this Part, if a business or part of a business is sold, leased, transferred or otherwise disposed of and an employee continues to be employed at the business after the sale, lease, transfer or disposition, the employee's employment is deemed to be continuous.

2013, c.S-15.1, s.2-10.

Subdivision 2
Hours of Work

Work schedules

2-11(1) An employer shall give notice to an employee of a work schedule containing the following:

(a) the time when work begins and ends;

(b) if work is done in shifts, the time when each shift begins and ends; and

(c) the time when a meal break begins and ends.

(2) The notice required pursuant to subsection (1) must cover at least one week.

(3) If the days or times when an employee is required or permitted to work or to be at the employer's disposal change, the employer shall provide to the employee written notice of the change.

(4) The notice required pursuant to subsection (3) must:

(a) be given in a schedule that contains the information required pursuant to subsection (1) covering at least one week;

(b) be given at least one week before the start of the schedule;

(c) if the schedule mentioned in clause (a) changes after the schedule is provided as required pursuant to clause (b), be given one week before the employee is required or permitted to work or to be at the employer's disposal; and

(d) be personally given to the employee, posted in the workplace, posted online on a secure website to which the employee has access or provided in any other manner that informs the employee of the schedule.

(5) An employer may provide notice of less than one week of a variation to an employee's schedule if unexpected, unusual or emergency circumstances arise.

(6) The director of employment standards may permit a variation from the requirements of this section if the employer has obtained the written consent to the variation from the union that is the bargaining agent for the employees.

2013, c.S-15.1, s.2-11.

Overtime hours not to be required

2-12(1) Subject to subsections (2) and (3), without the consent of an employee, no employer shall require the employee to work or to be at the employer's disposal for more than:

(a) 44 hours in a week; or

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week.

(2) Subject to subsection (3), if an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, the employer shall not require the employee to work or be at the employer's disposal for more than:

(a) 44 hours in a week;

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week; or

(c) the hours in a week as set out in the modified work arrangement or averaging authorization.

(3) Subsections (1) and (2) do not apply if unexpected, unusual or emergency circumstances arise.

2013, c.S-15.1, s.2-12.

Required period of rest

2-13(1) Subject to subsection (2), no employer shall require or permit an employee to work or to be at the employer's disposal for periods that are scheduled so that the employee does not have a period of eight consecutive hours of rest in any day.

(2) Subsection (1) does not apply in emergency circumstances.

(3) Subject to subsections (4) to (6), an employer shall grant one day off every week to an employee who usually works or is at the disposal of the employer for 20 hours or more in a week.

(4) Subsection (3) does not apply to any prescribed workplace or prescribed category of employers or employees.

(5) In prescribed workplaces with more than 10 employees, or for prescribed categories of employees, an employer shall grant to employees in the workplace or to the category of employees two consecutive days off every week.

(6) On receipt of a written application from an employer and the employees or a representative of the employees, the director of employment standards may:

(a) issue a written authorization exempting the employer from subsection (3); and

(b) impose any conditions that the director considers appropriate on the written authorization issued pursuant to clause (a).

2013, c.S-15.1, s.2-13.

Meal breaks

2-14(1) Subject to subsections (2) and (4), an employer shall provide to an employee an unpaid meal break that is of at least 30 minutes' duration within every five consecutive hours of work.

(2) An employer is not required to grant a meal break pursuant to subsection (1):

(a) in unexpected, unusual or emergency circumstances; or

(b) if it is not reasonable for an employee to take a meal break.

(3) If the employer does not grant the meal break mentioned in subsection (1) and the employee works five or more consecutive hours, the employer shall permit an employee to eat while working.

(4) An employer shall provide to an employee an unpaid meal break at a time or times necessary for medical reasons.

2013, c.S-15.1, s.2-14.

Subdivision 3
Obligation to Pay Wages

Total wages

2-15 Subject to this Part, an employer shall pay an employee his or her total wages payable in accordance with the terms and conditions of:

(a) the employee's employment contract; or

(b) if the employer is bound by a collective agreement, the collective agreement.

2013, c.S-15.1, s.2-15.

Minimum wage

2-16(1) An employer shall pay an employee:

(a) at least the prescribed minimum wage for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal; and

(b) at least the prescribed minimum sum when the employee reports for duty.

(2) Subject to subsection (3), if an employer pays an employee on any basis other than by the hour, the employer is deemed to have satisfied clause (1)(a) if the employer has, for the period covered by the payday, paid the employee an amount at least equal to the amount TP calculated in accordance with the following formula:

TP = MW x HW

where:

MW is the prescribed minimum wage; and

HW is the number of hours or parts of an hour in which the employee is required or permitted to work or to be at the employer's disposal during the period covered by the payday.

(3) An employer shall not include in the calculation made pursuant to subsection (2) any payment the employer made to the employee for the purposes of:

(a) annual vacation pay;

(b) any pay required pursuant to clause (1)(b) for an amount exceeding the time worked;

(c) the premium component of overtime and public holiday pay; or

(d) public holiday pay.

2013, c.S-15.1, s.2-16.

Overtime pay

2-17(1) An employer shall pay an employee overtime pay for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal that exceeds the hours determined in accordance with sections 2-18, 2-19 and 2-20.

(2) When calculating overtime pay, an employer:

(a) is not required to include any meal break allowed to an employee if:

(i) notice of the meal break is given in accordance with section 2-11; and

(ii) the employee is not at the disposal of the employer during the meal break;

(b) shall not take into account any time the employee works or is at the employer's disposal on a public holiday;

(c) shall reduce the time when overtime is payable by eight hours for each public holiday occurring in a week; and

(d) shall pay to the employee the greater of:

(i) the total of overtime pay required pursuant to this Subdivision that is calculated on a daily basis; and

(ii) the total of overtime pay required pursuant to this Subdivision that is calculated on a weekly basis.

2013, c.S-15.1, s.2-17.

Overtime pay after eight hours and 40 hours

2-18(1) Unless an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, an employer shall pay the employee overtime for each hour or part of an hour in which the employer requires or permits the employee to work or to be at the employer's disposal for more than:

(a) 40 hours in a week; or

(b) either of:

(i) eight hours in a day if the employer schedules the employee's work in accordance with clause (2)(a); or

(ii) 10 hours in a day if the employer schedules the employee's work in accordance with clause (2)(b).

(2) For the purposes of determining the 40 hour per week maximum pursuant to subsection (1), the employer may require or permit the employee to work or be at the employer's disposal for either:

(a) eight hours in a day for no more than five days in a week; or

(b) 10 hours in a day for no more than four days in a week.

(3) Notwithstanding section 2-7 or subsections (1) and (2), in the prescribed circumstances and subject to the prescribed conditions, an employer and an employee may agree that the employee may bank overtime hours.

(4) Notwithstanding section 2-17, subsection (1) of this section and section 2-19, but subject to subsection (5), an employer shall pay an employee overtime if:

(a) the employee works, on average, fewer than 30 hours per week; and

(b) the employer requires or permits the employee to work or to be at the employer's disposal for more than eight hours in a day.

(5) If employees have a union as their bargaining agent and the employer and the union have agreed respecting the number of hours in a day or week that are to be worked before overtime is paid:

(a) subsection (4) does not apply to those employees; and

(b) the employer shall pay those employees overtime in accordance with the agreement.

2013, c.S-15.1, s.2-18; 2014, c.27, s.3.

Modified work arrangement

2-19(1) Subject to subsection (2), an employer shall pay an employee overtime for each hour or part of an hour in which the employer requires or permits an employee to work or to be at the employer's disposal that exceeds:

(a) the prescribed hours of work; or

(b) with respect to employees who have a union as their bargaining agent, the hours as agreed to by the employer and the union.

(2) Subsection (1) applies if the employer requires the employee to be at the employer's disposal for more than 40 hours in week.

(3) The agreement mentioned in clause (1)(b) must require the payment of overtime if the hours an employee is required or permitted to work or to be at the employer's disposal exceed on average 40 hours per week.

(4) If the agreement mentioned in clause (1)(b) does not satisfy the requirements of subsection (3), the employer shall pay overtime in accordance with section 2-18.

2013, c.S-15.1, s.2-19.

Authorization re overtime

2-20(1) An employer may apply in writing to the director of employment standards for an authorization to pay overtime in accordance with the provisions set out in the authorization.

(2) On receipt of an application pursuant to subsection (1), the director of employment standards may issue the written authorization applied for if the director is satisfied that the requirement of subsection (4) is met and that it is appropriate to do so.

(3) If the director of employment standards issues a written authorization pursuant to subsection (2), the director:

(a) shall determine when the employer is required to pay overtime to an employee; and

(b) may impose any conditions that the director considers appropriate on the written authorization.

(4) The director of employment standards may only issue a written authorization if the number of hours an employee is required or permitted to work or to be at the employer's disposal without being paid overtime does not exceed, on average, 40 hours in a week.

(5) The employer shall provide notice of the written authorization to every employee who will be working in accordance with the written authorization by:

(a) personally giving it to the employee;

(b) posting it in the workplace;

(c) posting it online on a secure website to which the employee has access; or

(d) providing it in any other manner that informs the employee of the notice.

(6) No employer who receives an authorization pursuant to this section shall fail to:

(a) pay overtime in accordance with the terms and conditions of the authorization; or

(b) comply with any conditions imposed on the authorization by the director of employment standards.

(7) Subject to subsections (8) to (12), the director of employment standards may, at any time, cancel an authorization issued pursuant to this Part if the director is satisfied that:

(a) a condition of the authorization has been breached; or

(b) the authorization is no longer necessary or advisable.

(8) Before cancelling an authorization pursuant to subsection (7), the director of employment standards shall:

(a) give the employer to whom the authorization has been issued written notice of the director's intention to cancel the authorization and the reasons for the proposed cancellation; and

(b) provide the employer with an opportunity to make written representations, within 30 days after the notice mentioned in clause (a) is served, as to why the authorization should not be cancelled.

(9) The director of employment standards is not required to give an oral hearing to any employer to whom notice has been given pursuant to clause (8)(a).

(10) After the expiry of the period mentioned in clause (8)(b), the director of employment standards shall provide a written decision to the employer.

(11) The director of employment standards is not required to comply with subsections (8) to (10) if the employer requests that the authorization be cancelled.

(12) The employer shall provide to every employee who was working in accordance with the authorization notice of the cancellation of the authorization by:

(a) personally giving it to the employee;

(b) posting it in the workplace;

(c) posting it online on a secure website to which the employee has access; or

(d) providing it in any other manner that informs the employee of the notice.

2013, c.S-15.1, s.2-20.

Subdivision 4
Discrimination in Pay Prohibited

No discrimination in pay

2-21(1) No employer shall pay an employee of one sex at a rate of pay less than the rate paid to an employee of another sex if:

(a) they are employed by the employer for similar work that is performed in the same workplace under similar working conditions; and

(b) the performance of the work requires similar skill, effort and responsibility.

(2) Subsection (1) does not apply if a payment differential is made pursuant to a seniority system or merit system.

(3) No employer shall reduce the rate of pay of any employee in order to comply with this section.

(4) If an employer has contravened subsection (1), the employer is not, after that contravention, entitled to reduce the rate of pay to which an employee is entitled on the grounds that the work is subsequently performed only by employees of the same sex.

(5) No employer shall pay an employee a different rate of pay on the basis of any prohibited ground, as defined in *The Saskatchewan Human Rights Code, 2018*, unless *The Saskatchewan Human Rights Code, 2018* permits the different rate of pay.

2013, c.S-15.1, s.2-21; 2018, c35, s.2.

Subdivision 5
Special Rules for Certain Firefighters

Regulations re hours and conditions of work for firefighters

2-22 The Lieutenant Governor in Council may make regulations:

(a) authorizing the establishment of firefighter platoons for prescribed categories of employers;

(b) authorizing the employers mentioned in clause (a):

(i) to require firefighters to work 24 consecutive hours in prescribed circumstances; and

(ii) to determine other conditions of work for firefighters.

2013, c.S-15.1, s.2-22.

Subdivision 6
Annual Vacation

Interpretation for Subdivision

2-23 In this Subdivision:

(a) an employee is considered to have completed a year of employment if the employee has worked for the employer or been in the employer's service for a period of 52 consecutive weeks and during that period:

(i) the employee has not for more than 26 consecutive weeks resigned, been terminated, been laid off or been absent from work; or

(ii) the employee was absent for more than 26 consecutive weeks:

(A) with the consent of the employer; or

(B) on an employment leave; and

(b) an employee is considered to have completed 10 years of employment if the employee has worked for the employer or been in the employer's service for a period of 10 consecutive years or more and during that period:

(i) the employee has not for more than 26 consecutive weeks in any year resigned, been terminated, been laid off or been absent from work; or

(ii) the employee was absent for more than 26 consecutive weeks in any year:

(A) with the consent of the employer; or

(B) on an employment leave.

2013, c.S-15.1, s.2-23.

Annual vacation periods and common date

2-24(1) Every employee is entitled:

(a) subject to clause (b), to an annual vacation of three weeks after the completion of each year of employment with an employer; and

(b) to an annual vacation of four weeks after the completion of 10 years of employment with an employer and after the completion of each subsequent year of employment with that employer.

(2) An employer may use a common date for calculating vacation entitlement of all employees but only if the common date does not result in a reduction of any employee's rights pursuant to this Subdivision.

2013, c.S-15.1, s.2-24.

Manner of taking vacation

2-25(1) If an employee is entitled to an annual vacation pursuant to section 2-24:

(a) the employer shall permit the employee to take the entire vacation within 12 months after the date on which the employee becomes entitled to it; or

(b) the employer shall permit the employee to take the entire vacation to which the employee is entitled:

(i) in one continuous and uninterrupted period; or

(ii) in a manner other than one continuous and uninterrupted period, if:

(A) the vacation periods are not less than one week in length;

(B) the employee provides the employer with written notice of the lengths of time the employee proposes for the vacation periods; and

(C) the notice is provided not later than the employee's vacation entitlement date.

(2) Subject to section 2-26, an employer may require all employees, or all employees in part of a workplace, to take their vacation at a time when the employer has closed all or part of the workplace but only if those vacation periods are not less than one week in length.

2013, c.S-15.1, s.2-25.

Notice of vacation period

2-26 If an employer and employee or union representing the employee cannot agree on the time when the employee is to take his or her vacation, the employer shall give to the employee who is entitled to a vacation pursuant to section 2-24 not less than four weeks' written notice of the commencement of the employee's vacation period or each of the employee's vacation periods, as the case may be.

2013, c.S-15.1, s.2-26.

Vacation pay

2-27(1) An employee is to be paid vacation pay in the following amounts:

(a) if the employee is entitled to a vacation pursuant to clause 2-24(1)(a), three fifty-seconds of the employee's wages for the year of employment or portion of the year of employment preceding the entitlement to the vacation;

(b) if the employee is entitled to an annual vacation pursuant to clause 2-24(1)(b), four fifty-seconds of the employee's wages for the year of employment preceding the entitlement to the vacation.

(2) With respect to an employee who is entitled to a vacation pursuant to section 2-24 but who does not take that vacation, the employer shall pay the employee's vacation pay not later than 11 months after the day on which the employee becomes entitled to the vacation.

(3) The employer shall pay vacation pay to the employee in an amount calculated according to the length of vacation leave taken:

(a) at the employee's request, before the employee takes the vacation; or

(b) on the employee's normal payday.

(4) An employer shall reimburse the employee for any monetary loss suffered by the employee as a result of the cancellation or postponement of the vacation if:

(a) the employee has scheduled a period of vacation at a time agreed to by the employer; and

(b) the employer does not permit the employee to take the vacation as scheduled.

(5) A monetary loss mentioned in subsection (4) is deemed to be wages owing and this Part applies to the recovery of that monetary loss.

2013, c.S-15.1, s.2-27.

When public holiday occurs during a vacation

2-28 If one or more public holidays set out in section 2-30 occur during the period of any vacation that an employee has been permitted by the employer to take pursuant to this Part:

(a) the period of that vacation must be increased by one working day with respect to each public holiday; and

(b) the employer shall pay to the employee, in addition to the vacation pay that the employee is entitled to receive, the wages that the employee is entitled to be paid for each public holiday.

2013, c.S-15.1, s.2-28.

Payment of vacation pay on ending of employment

2-29(1) If the employment of an employee ends, the employer shall pay to the employee the vacation pay to which the employee is entitled pursuant to this Part within 14 days after the day on which the employment ends.

(2) If the employment of an employee ends, the employee is entitled to vacation pay calculated in accordance with section 2-27 on the wages earned by the employee with respect to which the employee has not previously been paid vacation pay.

(3) Subsection (2) applies whether or not an employee has completed a year of employment.

2013, c.S-15.1, s.2-29.

Subdivision 7
Public Holidays

Public holidays

2-30(1) In this section:

(a) **"Family Day"** means the third Monday in February;

(b) **"Saskatchewan Day"** means the first Monday in August.

(2) For the purposes of this Part, the following are public holidays in Saskatchewan:

(a) New Year's Day;

(b) Family Day;

(c) Good Friday;

(d) Victoria Day;

(e) Canada Day;

(f) Saskatchewan Day;

(g) Labour Day;

(h) Thanksgiving Day;

(i) Remembrance Day;

(j) Christmas Day.

(3) In this Part, a reference to a public holiday is a reference to one of the days mentioned in subsection (2) or to a day substituted for that day in accordance with section 2-31.

2013, c.S-15.1, s.2-30.

Substituting another day for a public holiday

2-31 An employer may substitute another day for a public holiday:

(a) in workplaces where a union is the bargaining agent, if the union agrees in writing to substitute another specified day for the public holiday; or

(b) in workplaces where no union is the bargaining agent, if the day that is substituted:

(i) meets the prescribed conditions; or

(ii) is approved by the director of employment standards subject to any terms and conditions set by the director.

2013, c.S-15.1, s.2-31.

Public holiday pay

2-32(1) An employer shall pay an employee for every public holiday an amount equal to:

(a) 5% of the employee's wages, not including overtime pay, earned in the four weeks preceding the public holiday; or

(b) an amount calculated in the prescribed manner for a prescribed category of employees.

(2) For the purposes of subsection (1), an employer shall include in the calculation of an employee's wages:

(a) vacation pay with respect to vacation the employee actually takes in the four weeks preceding the public holiday; and

(b) public holiday pay in an amount required pursuant to subsection (1) if another public holiday occurs in the four-week period mentioned in clause (1)(a).

(3) If an employee works on a public holiday, an employer shall pay the employee the total of:

(a) the amount calculated in accordance with subsection (1); and

(b) for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal:

(i) an amount calculated at a rate of 1.5 times the employee's hourly wage; or

(ii) an amount calculated in the prescribed manner for a prescribed category of employees.

2013, c.S-15.1, s.2-32.

Subdivision 8
Payment of Wages

Paydays

2-33(1) Subject to subsections (2) and (3), an employer shall:

(a) pay to an employee the total wages to which the employee is entitled up to a day not more than six days before the employee's payday; and

(b) pay the employee at least:

(i) monthly;

(ii) semi-monthly; or

(iii) every 14 days.

(2) An employer may only pay an employee on a monthly basis if the employee is paid a salary expressed as a monthly wage or a wage expressed for a period longer than a month.

(3) If the employment of an employee ends, the employer shall pay to the employee the total wages to which the employee is entitled within 14 days after the day on which the employment ends.

(4) Subsection (3) does not entitle an employer to delay payment of any portion of wages to an employee whose employment ends if the employer is required pursuant to subsection (1) to pay those wages on an earlier date.

2013, c.S-15.1, s.2-33.

Wages to be paid notwithstanding dispute

2-34(1) Subject to subsection (2), in the event of a stoppage of work as a result of a labour-management dispute, the total wages to which the employee is entitled at the time of the stoppage are payable at the time required in section 2-33.

(2) If subsection (1) applies and the director of employment standards is satisfied that an employer is prevented from paying wages on the day the wages are due because of factors beyond the employer's control, the director may authorize the employer to pay wages on another day to be specified by the director.

2013, c.S-15.1, s.2-34.

How wages are paid

2-35(1) An employer shall pay all wages to an employee:

(a) in Canadian currency;

(b) by cheque drawn on a bank, credit union or trust corporation;

(c) by deposit to the employee's account in a bank, credit union or trust corporation; or

(d) by a prescribed means.

(2) Subject to subsection (3), all wages of an employee must, at the employer's discretion, be:

(a) paid to the employee during the employee's working hours;

(b) delivered to the employee's place of residence;

(c) sent to the employee by mail in an envelope addressed to the employee's place of residence; or

(d) deposited into a bank, credit union or trust corporation account of the employee's choice.

(3) If an employee is at the time fixed for payment of the employee's wages absent from the place where the wages are payable, the employer shall immediately send the employee's pay by registered mail to the employee's last address known to the employer.

(4) Any agreement between an employer and employee that allows for payment of wages in any other manner than that set out in subsection (1) is void.

(5) No employer shall issue a cheque in payment of wages that is not honoured.

2013, c.S-15.1, s.2-35.

Deductions and special clothing

2-36(1) Except as permitted or required pursuant to this Act, any other Act or any Act of the Parliament of Canada, an employer shall not, directly or indirectly:

(a) make any deductions from the wages that would be otherwise payable to the employee;

(b) require that any portion of the wages be spent in a particular manner; or

(c) require an employee to return to the employer the whole or any part of any wages paid.

(2) In addition to deductions permitted or required pursuant to law, an employer may deduct from an employee's wages:

(a) employee contributions to pension plans or registered retirement savings plans;

(b) employee contributions to other benefit plans;

(c) charitable donations voluntarily made by the employee;

(d) voluntary contributions by the employee to savings plans or the purchase of bonds;

(e) initiation fees, dues and assessments to a union that is the bargaining agent for the employee;

(f) voluntary employee purchases from the employer of any goods, services or merchandise; and

(g) deductions for purposes or categories of purposes that are specified pursuant to subsection (3).

(3) For the purposes of clause (2)(g), the Lieutenant Governor in Council may specify purposes and categories of purposes by regulation or by special order in a particular case.

(4) No employer shall require an employee to purchase special clothing that identifies the employer's establishment.

(5) An employer who requires an employee to wear a special article of clothing that identifies the employer's establishment shall provide that special article of clothing free of cost to the employee.

2013, c.S-15.1, s.2-36.

Statement of earnings required

2-37(1) An employer shall provide a statement of earnings to an employee:

(a) on every payday; and

(b) when making payments of wage adjustments.

(2) A statement of earnings required pursuant to subsection (1) must:

(a) clearly set out:

(i) the name of the employee;

(ii) the beginning and ending dates of the period for which the payment of wages is being made;

(iii) the number of hours of work for which payment is being made for each of wages, overtime and hours worked on a public holiday;

(iv) the rate or rates of wages;

(v) the amount paid for each of wages, overtime and public holiday pay and work on a public holiday, vacation pay and pay instead of notice;

(vi) the employment or category of employment for which payment of wages is being made;

(vii) the amount of total wages;

(viii) an itemized statement of any deductions from wages being made; and

(ix) the actual amount of the payment being made; and

(b) be in a form that:

(i) is separate from, or readily detachable from, any form of cheque or other type of voucher issued in the payment of wages; or

(ii) if an employee is provided with an electronic statement, permits the employee to print off a copy of the statement of earnings.

(3) Unless the contrary is established, wages and other amounts that are not included in a statement pursuant to subsection (2) are deemed not to have been paid.

2013, c.S-15.1, s.2-37.

Subdivision 9
Additional Obligations of Employer

Employer to keep record of wages, hours worked, etc.

2-38(1) No employer shall fail to keep:

(a) records showing the particulars of every unwritten contract dealing with wages or other monetary benefits to which any employee is entitled;

(b) a copy of every written contract or other document dealing with wages or other monetary benefits to which any employee is entitled; and

(c) records showing the following with respect to each employee:

(i) the full name, sex, date of birth and residential address of the employee;

(ii) the name or a brief description of the job or position of the employee;

(iii) the rate of wages of the employee expressed in terms of wages per hour, day, week, month or other period;

(iv) the total wages paid to the employee for each week or other pay period;

(v) the time when the employee's work begins and ends each day and the time when any meal breaks allowed to the employee each day begin and end;

(vi) the total number of hours worked by the employee each day and each week as well as the total number of hours each day and each week that the employee is required to be at the disposal of the employer;

(vii) every deduction made from the wages of the employee for any purpose whatever and the purpose for which each deduction was made;

(viii) the date of each payment of wages to the employee;

(ix) the date of commencement of the employee's employment and, if applicable, the date the employment ends;

(x) the date on which the employee becomes entitled to each vacation;

(xi) the dates on which each vacation period is taken by the employee;

(xii) the amount paid to the employee with respect to each vacation to which the employee is entitled and the date of payment;

(xiii) the amount paid to the employee with respect to each public holiday and the date of payment;

(xiv) if applicable, the amount paid to the employee on the ending of the employment and the date of payment;

(xv) any other prescribed matters or matters that the minister may require.

(2) Every employer shall provide the records mentioned in subsection (1) to an employment standards officer when requested by the officer.

(3) Every employer shall keep a register of every employee whose work is ordinarily performed at home setting out:

(a) the address where that work is performed; and

(b) the portion of the work performed by the employee that was performed at home.

(4) The records that an employer is required to keep pursuant to this section respecting an employee must cover the most recent five years of the employee's employment.

(5) If an employee's employment ends, the employer shall retain the records mentioned in subsection (4) for a period of two years after the date on which the employee's employment ended.

(6) An employee's employment is deemed not to have ended for the purposes of subsection (5) if the employee is employed again by the employer within six months after the date on which the employment of the employee ended.

(7) The records required by this section may be incorporated in any wage record that the employer is required to keep pursuant to any other Act.

2013, c.S-15.1, s.2-38.

Provision of benefits

2-39 If an employer provides a benefit to employees who work at least 30 hours per week or any other prescribed number of hours, the employer shall provide benefits in accordance with the regulations made pursuant to this Part to all prescribed categories of employees.

2013, c.S-15.1, s.2-39.

Protection of employees for illness or injury

2-40(1) Subject to subsections (2) to (4), except for just cause unrelated to injury or illness, no employer shall take discriminatory action against an employee because of absence:

(a) due to the illness or injury of the employee; or

(b) due to the illness or injury of a member of the employee's immediate family who is dependent on the employee.

(2) Subsection (1) only applies if:

(a) the employee has been in the employer's service for more than 13 consecutive weeks before the absence;

(b) the absence does not exceed:

(i) a total of 12 days in a calendar year, in the case of illness or injury that is not serious; or

(ii) 12 weeks in a period of 52 weeks, in the case of serious illness or injury; and

(c) the employee, if requested in writing by the employer, provides the employer with a certificate of a duly qualified medical practitioner certifying that the employee was incapable of working due to illness or injury or certifying the illness or injury of the member of the employee's immediate family, as the case may be.

(3) The protection afforded by subclause (2)(b)(i) does not apply if it can be demonstrated that the employee has a record of chronic absenteeism and there is no reasonable expectation of improved attendance.

(4) The period of absence permitted pursuant to subclause (2)(b)(ii) must be extended to 26 weeks in a period of 52 weeks if the employee is receiving compensation pursuant to *The Workers' Compensation Act, 1979*.

(5) Nothing in this section limits or abrogates an employee's rights at common law or pursuant to *The Saskatchewan Human Rights Code, 2018*.

2013, c.S-15.1, s.2-40; 2018, c 35, s.2.

Employer must reassign employee or modify employee's duties

2-41 An employer shall modify an employee's duties or reassign the employee to other duties if:

(a) the employee becomes disabled and the disability would unreasonably interfere with the performance of the employee's duties; and

(b) it is reasonably practicable to do so.

2013, c.S-15.1, s.2-41.

Employer not to take discriminatory action

2-42(1) In this section, **"lawful authority"** means:

(a) any police or law enforcement agency with respect to an offence within its power to investigate;

(b) any person whose duties include the enforcement of this Act, another Act or an Act of the Parliament of Canada with respect to an offence within his or her power to investigate; or

(c) any person directly or indirectly responsible for supervising an employee.

(2) No employer shall take discriminatory action against an employee because the employee:

(a) has reported or proposed to report to a lawful authority any activity that is or is likely to result in an offence pursuant to an Act or an Act of the Parliament of Canada; or

(b) has testified or may be called on to testify in an investigation or proceeding pursuant to this Act, another Act or an Act of the Parliament of Canada.

(3) Subsection (2) does not apply if the actions of an employee are frivolous or vexatious.

2013, c.S-15.1, s.2-42.

Subdivision 10
General Rules re Employment Leave

Entitlement to apply for employment leave

2-43 An employee who has been in an employer's service for more than 13 consecutive weeks is entitled to an employment leave in accordance with this Subdivision and Subdivision 11.

2013, c.S-15.1, s.2-43.

Employer to grant employment leave

2-44 No employer shall fail to grant an employee an unpaid employment leave when required to do so by this Subdivision and Subdivision 11.

2013, c.S-15.1, s.2-44.

Human rights not affected

2-45 Nothing in this Subdivision or Subdivision 11 limits or abrogates an employee's rights at common law or pursuant to *The Saskatchewan Human Rights Code, 2018*.

2013, c.S-15.1, s.2-45; 2018, c 35, s.2.

Notice re employment leave

2-46(1) Subject to subsection (2) and section 2-49, an employee shall provide at least four weeks' written notice to his or her employer of:

(a) the day on which the employee intends to commence an employment leave; and

(b) the day on which the employee intends to return to work from the employment leave.

(2) The obligation to provide four weeks' written notice pursuant to subsection (1) does not apply:

(a) to bereavement leave, compassionate care leave, interpersonal violence leave, critically ill child care leave, crime-related child death or disappearance leave and citizenship ceremony leave;

(b) if the date of commencement of the employment leave or the date of return to work from the employment leave is not known and cannot be reasonably known by the employee;

(c) with respect to the notice required for the employee's return to work, if the employment leave was for 60 days or less; or

(d) if the prescribed circumstances apply.

(3) If an employee is not required to provide four weeks' written notice in accordance with subsection (2), the employee shall provide the employer with notice as far as possible in advance of the date the employee intends to commence the employment leave or of the date the employee intends to return to work, as the case may be.

2013, c.S-15.1, s.2-46; 2017, c 31, s.3.

Medical evidence

2-47(1) If an employment leave involves a medical issue and the employer so requires, the employee shall provide written evidence in the form of a certificate from a duly qualified medical practitioner as to the reason for the leave or the extension of the leave.

(2) If an employment leave requires the verification of other circumstances and if the employer so requires, the employee shall provide written evidence to verify those circumstances, in the prescribed manner.

2013, c.S-15.1, s.2-47.

Length of service, rights of recall, benefits and reinstatement

2-48(1) An employee continues to accrue seniority, service for the purposes of subclause 2-23(a)(ii) or (b)(ii) and rights of recall while on an employment leave or a combination of employment leaves for the length of the employment leave or combination of employment leaves to a maximum of 52 weeks.

(2) Subject to subsection (3) and to the provisions of a prescribed benefit plan, an employee continues to be entitled to participate in the prescribed benefit plan while on an employment leave or combination of employment leaves, for the length of the leave or leaves, if the employee pays the contributions required by the prescribed benefit plan.

(3) The requirement in subsection (2) for the employee to pay the contributions required by the prescribed benefit plan does not apply to a bereavement leave or a citizenship ceremony leave.

(4) At the expiration of an employment leave and subject to subsection (5), an employer shall reinstate an employee to the same job the employee held before going on employment leave, without any loss of accrued seniority or benefits or reduction in rate of pay.

(5) An employer may reinstate an employee, without any loss of accrued seniority or benefits or reduction in rate of pay, to a job comparable to that held by the employee before going on employment leave:

(a) if the employment leave was for more than 60 days; or

(b) if prescribed circumstances exist.

2013, c.S-15.1, s.2-48.

Subdivision 11
Employment Leave

Maternity leave

2-49(1) Subject to subsections (2) and (7), an employee who is pregnant is entitled to a maternity leave of 18 weeks commencing at any time during the period of 12 weeks preceding the estimated date of birth, and no later than the date of birth.

(2) If the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks' leave after the actual date of birth.

(3) An employee may extend the leave for a further period of six weeks if the employee is unable for medical reasons to return to work after the expiration of the maternity leave.

(4) An employer shall modify an employee's duties or reassign the employee to other duties, without a decrease in wages or benefits, to accommodate a pregnancy if:

(a) the employee's duties or pregnancy would be unreasonably interfered with; and

(b) it is reasonably practicable to do so.

(5) An employer may require an employee to commence maternity leave not more than 12 weeks before the estimated date of birth if:

(a) the pregnancy of the employee would unreasonably interfere with the performance of the employee's duties; and

(b) no opportunity exists to modify the employee's duties or to reassign the employee to other duties.

(6) An employee whose pregnancy terminates on a date not more than 12 weeks before the estimated date of birth due to a miscarriage or a stillbirth may take a leave pursuant to this section.

(7) An employer shall grant a maternity leave in accordance with subsection (8) to an employee who:

(a) has failed to comply with clause 2-46(1)(a) but is otherwise entitled to maternity leave; and

(b) has not provided her employer with a certificate of a duly qualified medical practitioner certifying that there are bona fide medical reasons that require the employee to cease work immediately.

(8) Subject to subsection (2), the maternity leave to which an employee is entitled pursuant to subsection (7) is to consist of a period not exceeding 14 weeks commencing at any time during the period of eight weeks preceding the estimated date of birth.

2013, c.S-15.1, s.2-49.

Adoption leave

2-50 An employee is entitled to an adoption leave of 18 weeks commencing on the date on which the child comes into the employee's care or becomes available for adoption if the employee is to be the primary caregiver of the adopted child during the period of the leave.

2013, c.S-15.1, s.2-50.

Parental leave

2-51(1) An employee who is a parent of a newborn child or a newly adopted child is entitled to a parental leave of not more than:

(a) 34 weeks, if the employee has taken a maternity leave or an adoption leave; or

(b) 37 weeks, in other cases.

(2) A parental leave must be taken during the period of:

(a) 12 weeks preceding the estimated date of birth or the estimated date on which the child is to come into the employee's care, as the case may be; and

(b) 52 weeks following the actual date of birth or the actual date on which the child comes into the employee's care.

(3) If clause (1)(a) applies, the employee shall take the parental leave consecutive to the maternity leave or adoption leave, as the case may be.

2013, c.S-15.1, s.2-51.

Organ donation leave

2-52(1) In this section, **"organ donation"** means a surgical procedure that involves the removal of an organ or tissue from the employee for the purpose of its being transplanted into another individual.

(2) Subject to subsection (3), an employee is entitled to a leave for organ donation for the period, as certified by a duly qualified medical practitioner, required for the organ donation and recovery from the procedure.

(3) The maximum leave for an organ donation and recovery is 26 weeks.

2013, c.S-15.1, s.2-52.

Reserve force service leave

2-53(1) In this section:

(a) **"reserve force"** means the reserve force as defined in the *National Defence Act* (Canada);

(b) **"service"** means training with the reserve force and active service with the reserve force, including regular and emergency deployment.

(2) Subject to subsection (3), an employee is entitled to a reasonable period of leave for the employee's period of service with the reserve force.

(3) The leave pursuant to this section must meet the prescribed requirements.

2013, c.S-15.1, s.2-53.

Nomination, candidate and public office leave

2-54(1) An employee is entitled to a leave:

(a) to seek nomination as a candidate for a municipal, provincial or federal election or an election for a board of education or the Conseil scolaire fransaskois, for a reasonable period;

(b) to be a candidate for a municipal, provincial or federal election or an election for a board of education or the Conseil scolaire fransaskois, for a reasonable period; or

(c) if the employee has been elected to a municipal, provincial or federal government or a board of education or the Conseil scolaire fransaskois, for the period during the employee's term of office that may be necessary.

(2) Subsection 2-48(2) applies to an employee on a leave pursuant to subsection (1) for a maximum of 52 weeks.

2013, c.S-15.1, s.2-54.

Bereavement and compassionate care leave

2-55(1) An employee is entitled to a bereavement leave of five days in the case of the death of a member of the employee's immediate family.

(2) The leave mentioned in subsection (1) must be taken within the period commencing one week before and ending one week after the funeral relating to the death with respect to which the leave is granted.

2013, c.S-15.1, s.2-55.

Compassionate care leave

2-56(1) In this section, **"member of the employee's family"** means a member of a class of persons prescribed pursuant to the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to a compassionate care leave of up to 28 weeks to provide care or support to a member of the employee's family who has a serious medical condition with a significant risk of death within 26 weeks from the date the leave commences.

(3) In a period of 52 weeks, an employee is not entitled to take more than one compassionate care leave pursuant to subsection (2).

(4) An employee's compassionate care leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the family member;

(b) on the termination of the 28-week period mentioned in subsection (2); or

(c) on the death of the employee's family member.

2016 c 17 s 3.

Interpersonal violence leave

2-56.1(1) In this section:

(a) **"interpersonal violence"** means interpersonal violence as defined in *The Victims of Interpersonal Violence Act*;

(b) **"victim"** means:

(i) an employee;

(ii) a child of an employee;

(iii) a person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together at any time.

(2) An employee is entitled to a leave of up to 10 days in a period of 52 weeks, which the employee may choose to take intermittently or in one continuous period, if a victim is subjected to interpersonal violence by:

(a) a person who has been or who is in a family relationship, spousal relationship, intimate relationship or dating relationship with the employee, regardless of whether they have lived together at any time;

(b) a person who is the parent of one or more children with the employee, regardless of their marital status or whether they have lived together at any time;

(c) a person who is in an ongoing caregiving relationship with the employee, regardless of whether they have lived together at any time; or

(d) any other person prescribed in the regulations.

(3) Leave pursuant to this section may be taken for one or more of the following purposes:

(a) to seek medical attention for a victim with respect to a physical or psychological injury or disability caused by interpersonal violence;

(b) to obtain services from a victim services organization;

(c) to obtain psychological or other professional counselling;

(d) to relocate temporarily or permanently;

(e) to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the interpersonal violence;

(f) any other prescribed purpose.

(4) For the purposes of calculating when an employee's period of leave has been fully used in accordance with this section, only the periods during which the employee is on leave are to be used in making the calculation and not the periods during which the employee has returned to work.

(5) An employer must:

(a) maintain confidentiality respecting all matters that come to the employer's knowledge in relation to leave taken by an employee pursuant to this section; and

(b) not disclose information relating to the leave to any person except:

(i) employees or agents of the employer who require the information to carry out their duties; or

(ii) with the consent of the employee to whom the leave relates.

(6) A person to whom information is disclosed pursuant to clause (5)(b) must not disclose it to any other person unless it is to be used for the purpose for which it was originally disclosed or for a different purpose authorized by that clause.

(7) If the employer so requires, the employee shall provide written evidence issued by persons identified in subsection 12.4(4) of *The Victims of Interpersonal Violence Act* to verify the circumstances of the leave.

2017, c 31, s.4.

Critically ill child care leave

2-57(1) In this section, **"critically ill child"** means a critically ill child within the meaning of the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to critically ill child care leave of up to 37 weeks to provide care and support to his or her critically ill child.

(3) An employee's critically ill child care leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the child;

(b) 52 weeks from the date the medical certificate is issued;

(c) on the termination of the 37-week period mentioned in subsection (2); or

(d) on the death of the employee's child.

2013, c.S-15.1, s.2-57.

Crime-related child death or disappearance leave

2-58(1) In this section:

(a) **"child"** means a person who is under 18 years of age;

(b) **"crime"** means an offence pursuant to the *Criminal Code*, other than an offence prescribed by the regulations made pursuant to paragraph 209.4(f) of the *Canada Labour Code*.

(2) An employee is entitled to crime-related child death or disappearance leave of up to 104 weeks if a child of the employee dies and it is probable, considering the circumstances, that the child died as a result of a crime.

(3) An employee is entitled to a leave pursuant to this section of up to 52 weeks if a child of the employee disappears and it is probable, considering the circumstances, that the child's disappearance is a result of a crime.

(4) An employee is not entitled to a leave pursuant to this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.

(5) If an employee takes a leave pursuant to this section and the circumstances that made it probable that the child died or disappeared as a result of a crime change and it no longer seems probable that the child died or disappeared as a result of a crime, the employee's entitlement to the leave ends on the day on which it no longer seems probable.

(6) If an employee takes a leave pursuant to this section and the employee is subsequently charged with the crime, the employee's entitlement to the leave ends on the day on which the employee is charged.

(7) Subject to subsection (9), if an employee takes a leave pursuant to subsection (3) and the child is found within the 52-week period that begins in the week the child disappears, the employee is entitled:

(a) to remain on leave for 14 days after the day the child is found, if the child is found alive; or

(b) to take 104 weeks of leave from the day the child disappeared, if the child is found dead, whether or not the employee is still on leave when the child is found.

(8) An employee may take a leave pursuant to subsection (2) only during the 104-week period that begins in the week the child dies.

(9) Subject to subsection (7), an employee may take a leave pursuant to subsection (3) only during the 52-week period that begins in the week the child disappears.

2013, c.S-15.1, s.2-58.

Citizenship ceremony leave

2-59 An employee is entitled to a leave of one day to attend a citizenship ceremony to receive a certificate of citizenship.

2013, c.S-15.1, s.2-59.

Subdivision 12
Layoff and Termination

Notice required

2-60(1) Except for just cause, no employer shall lay off or terminate the employment of an employee who has been in the employer's service for more than 13 consecutive weeks without giving that employee written notice for a period that is not less than the period set out in the following Table:

Table

Employee's Period of Employment	**Minimum Period of Written Notice**
more than 13 consecutive weeks but one year or less	one week
more than one year but three years or less	two weeks
more than three years but five years or less	four weeks
more than five years but 10 years or less	six weeks
more than 10 years	eight weeks

(2) In subsection (1), **"period of employment"** means any period of employment that is not interrupted by more than 14 consecutive days.

(3) For the purposes of subsection (2), being on vacation, an employment leave or a leave granted by an employer is not considered an interruption in employment.

(4) After giving notice of layoff or termination to an employee of the length required pursuant to subsection (1), the employer shall not require an employee to take vacation leave as part of the notice period required pursuant to subsection (1).

2013, c.S-15.1, s.2-60.

Payments in case of layoffs or terminations

2-61(1) If an employer lays off or terminates the employment of an employee, the employer shall pay to the employee, with respect to the period of the notice required pursuant to section 2-60:

(a) if the employer is not bound by a collective agreement that applies to the employee, the greater of:

(i) the sum earned by the employee during that period of notice; and

(ii) a sum equivalent to the employee's normal wages for that period; or

(b) if the employer is bound by a collective agreement that applies to the employee, the entitlements provided for in the collective agreement.

(2) For the purposes of subsection (1), if the wages of an employee, not including overtime pay, vary from week to week, the employee's normal wages for one week are deemed to be the equivalent of the employee's average weekly wage, not including overtime pay, for the 13 weeks the employee worked preceding:

(a) the date on which the notice of layoff or termination was given; or

(b) if no notice of the layoff or termination was given:

(i) the date on which the employee was laid off or terminated; or

(ii) a date determined in the prescribed manner.

(3) If an employer lays off or terminates the employment of an employee at a remote site, the employer shall provide transportation without cost for the employee to the nearest point where regularly scheduled transportation services are available.

2013, c.S-15.1, s.2-61.

Notice of group termination

2-62(1) In addition to the requirements of section 2-60 but subject to subsection (3), an employer who intends to terminate the employment of 10 or more employees in a workplace within any four-week period shall give written notice of that intention, in accordance with subsection (2), to each of the following:

(a) the minister;

(b) each employee whose employment will be terminated;

(c) if applicable, a union that is the bargaining agent of any employees whose employment will be terminated.

(2) The written notice required pursuant to subsection (1):

(a) must specify:

(i) the number of employees whose employment will be terminated;

(ii) the effective date or dates of their terminations; and

(iii) the reasons for the terminations; and

(b) must be given within the prescribed period.

(3) The notice required pursuant to subsection (1) may be given concurrently with the notice required pursuant to section 2-60.

2013, c.S-15.1, s.2-62.

Employee notice re termination

2-63(1) Subject to subsection (2), an employee who has been employed by the employer for at least 13 consecutive weeks must give the employer written notice of at least two weeks stating the day on which the employee is ending his or her employment.

(2) Subsection (1) does not apply if:

(a) there is an established custom or practice in any industry respecting the termination of employment that is contrary in whole or in part to subsection (1);

(b) an employee terminates employment because the employee's personal health or safety would be in danger if the employee continued to be employed by the employer;

(c) the contract of employment is or has become impossible for the employee to perform by reason of unforeseeable or unpreventable causes beyond the control of the employee;

(d) the employee is temporarily laid off;

(e) the employee is laid off after refusing an offer by the employer of reasonable alternative work;

(f) the employee is employed under an agreement by which the employee may elect either to work or not to work for a temporary period when requested to work by the employer; or

(g) the employee terminates the employment because of a reduction in wage rate, overtime rate, vacation pay, public holiday pay or termination pay.

2013, c.S-15.1, s.2-63.

DIVISION 3
Priority of Wages

Interpretation of Division

2-64 In this Division:

(a) **"purchase-money security interest"** means:

(i) a security interest that is taken or reserved by a seller of personal property to secure payment of all or part of its sale price; or

(ii) a security interest that is taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to the personal property, to the extent that the value is applied to acquire those rights;

(b) **"security interest"** means an interest in property that secures payment or performance of an obligation.

2013, c.S-15.1, s.2-64.

Wages accruing or due to be held in trust

2-65(1) Notwithstanding any other Act, an employer of an employee shall hold all of the employee's total wages due or accruing due to the employee in trust for the employee for the payment of those wages in the manner and at the time provided pursuant to this Part and the regulations made pursuant to this Part.

(2) If total wages are not held in trust as required pursuant to subsection (1), the employer is deemed to hold an amount equal to the amount of the total wages in trust for the employee.

2013, c.S-15.1, s.2-65.

Security interest on wages accruing or due

2-66(1) Wages due or accruing due to an employee are deemed to be secured by a security interest on the property and assets of the employee's employer, whether or not that property or those assets are subject to other security interests.

(2) Subject to subsection (6), the security interest for wages mentioned in subsection (1) is payable in priority to any other claim or right in the property or assets, including any claim or right of the Crown, without registration or other perfection of the deemed security interest for wages.

(3) Without limiting the generality of subsection (2), the priority mentioned in that subsection extends over every security interest, lien, charge, enforcement charge, judgment, encumbrance, mortgage, assignment, including an assignment of book debts, debenture or other security, whether perfected within the meaning of *The Personal Property Security Act, 1993* or not, made or given, accepted or issued before or after the wages accrued due.

(4) Notwithstanding subsection (2), the charge mentioned in that subsection does not take priority over the following:

(a) a purchase-money security interest that is:

(i) taken before the wages' accruing due; and

(ii) registered in accordance with the requirements of *The Personal Property Security Act, 1993*;

(b) a mortgage of real property granted by an employer before the wages' accruing due;

(c) the interest of a seller pursuant to an agreement for sale of real property or pursuant to a mortgage back arrangement or the interest of a person who gives value for the purpose of enabling an employer to acquire rights in real property, to the extent that the value is applied to acquire those rights.

(5) Without limiting the application of subsections (1) to (3), a security interest for wages may be registered in the Personal Property Registry continued pursuant to *The Personal Property Security Act, 1993*.

(6) The payment priority set out in subsection (2) is subject to section 15.1 of *The Enforcement of Maintenance Orders Act, 1997*.

2013, c.S-15.1, s.2-66.

Employees wages paid if assets of employer are insufficient

2-67(1) Subject to subsection (2), if an employer has failed or neglected to hold wages in trust as provided by section 2-65 and the assets of the employer are not sufficient to pay in full the trust moneys owing to each of the employees, the employees shall share amongst themselves the assets of the employer on a *pro rata* basis.

(2) A corporate director who is an employee of the corporation is not entitled to the benefit provided to employees by this section or sections 2-65 and 2-66 until the claims for wages of the other employees of the corporation have been satisfied.

2013, c.S-15.1, s.2-67.

Corporate directors liable for wages

2-68(1) Subject to subsection (2), notwithstanding any other provision of this Act or any other Act, the corporate directors of an employer are jointly and severally liable to an employee for all wages due and accruing due to the employee but not paid while they are corporate directors.

(2) The maximum amount of a corporate director's liability pursuant to subsection (1) to an employee is six months' wages of the employee.

(3) Subject to subsections (4) and (5), a corporate director's liability pursuant to this section is payable in priority to any other unsecured claim or right in the corporate director's property or assets, including any claim or right of the Crown.

(4) The payment priority set out in subsection (3) is subject to section 15.1 of *The Enforcement of Maintenance Orders Act, 1997*.

(5) A corporate director who is an employee of the corporation is not entitled to the benefit provided to employees by subsection (3).

2013, c.S-15.1, s.2-68.

Responsibility of certain employers and contractors re wages of subcontractor's employees

2-69(1) If an employer or a contractor contracts with any other person for the performance of all or part of the employer's or contractor's work, the employer or contractor shall provide by the contract that the employees of that other person must be paid the wages to which they are entitled according to law.

(2) If the other person mentioned in subsection (1) fails to pay the wages as mentioned in that subsection, the employer or contractor, as the case may be, is liable to the employees to the extent of the work performed under the contract as if the employees were employed by the employer or contractor.

2013, c.S-15.1, s.2-69.

DIVISION 4
Demand on Third Party and Moneys Owing to Crown

Demand

2-70(1) In this Division and in Division 5:

(a) **"employer"** includes a corporate director of an employer who is liable for wages pursuant to section 2-68;

(b) **"third party"** means a person who has been served with a demand;

(c) **"wages"** includes interest calculated in accordance with the regulations made pursuant to this Part.

(2) Subject to the regulations made pursuant to this Part, the director of employment standards may serve a demand on a person if the director has knowledge or reasonable grounds to believe or suspects that:

(a) an employer has failed or is likely to fail to pay wages to an employee as required by this Part; and

(b) the person on whom the demand is served is or is about to become indebted to or liable to pay money to the employer.

(3) Subject to subsection (4), a demand must require the payment of the lesser of:

(a) the amount owed by a third party to the employer; and

(b) the amount specified in the demand.

(4) The amount required by a demand to be paid to the director of employment standards must not exceed the director's estimate of the total amount of all wage claims against the employer.

(5) If a demand is served on a third party in relation to a debt or account that is owned by the employer and one or more other persons as joint or joint and several owners, each co-owner is deemed to own an equal and separate share in the debt or account.

(6) Service of a demand on a third party:

(a) binds, to the extent of the amount set out in the demand, any debt or account due when the demand is served or accruing due while the demand is in force:

(i) to the employer from the third party; or

(ii) if subsection (5) applies, to the employer from the third party, to the extent outlined in subsection (5); and

(b) requires the third party to inform the director of employment standards within the period or periods set out in the demand whether any money is owing to the employer or will become owing to the employer during the period of the demand.

(7) Subject to subsection (8), if a debt or account mentioned in subclause (6)(a)(ii) is attached by the demand:

(a) the third party shall promptly inform the director of employment standards of the following:

(i) that the debt or account is co-owned by the employer and one or more other persons as joint or joint and several owners;

(ii) the names of and contact information for all persons who are co-owners of the debt or account; and

(b) the third party shall promptly inform all persons having co-ownership of the debt or account of the demand.

(8) The director of employment standards, the employer or any person identified by the third party as a co-owner may, within 15 business days after the seizure of the debt or account, apply to the Court of Queen's Bench for an order of the court:

(a) determining one or both of the following:

(i) that the portion of the debt or account attributable to the employer or to the person identified by the third party as a co-owner is greater or less than the amount determined in accordance with subsection (5);

(ii) that the employer or any person identified by the third party as a co-owner is not a co-owner of the debt or account; and

(b) determining any other matter and doing any other thing that the court considers necessary or appropriate.

(9) The onus is on the person who brings the application pursuant to subsection (8) to establish:

(a) that the share in the debt or account is other than that set out in subsection (5); or

(b) that the employer or other person is not a co-owner of the debt or account.

(10) The director of employment standards may serve a demand pursuant to this section notwithstanding that:

(a) the director has not issued a wage assessment against the employer; or

(b) a wage assessment has been issued and:

(i) the appeal period has not expired; or

(ii) the person against whom the wage assessment was issued has commenced an appeal and:

(A) the appeal is still pending; or

(B) the appeal has been dismissed in whole or in part.

(11) Unless it is revoked by the director of employment standards, a demand remains in force for:

(a) 90 days after the day on which the demand is served; or

(b) any longer period that the director may specify in the demand.

(12) The director of employment standards may serve a further demand on the same third party.

(13) Any money paid to the director of employment standards by the third party extinguishes the liability of the third party:

(a) to the employer, to the extent of the payment and the employer's interest; and

(b) if the amount paid exceeds the interest of the employer, to a co-owner to the extent of the excess payment and the co-owner's interest.

(14) If a third party is served with a demand and subsequently discharges any liability to the employer or fails to comply with the demand, the third party is liable to the director of employment standards to the extent of the lesser of:

(a) the amount of liability discharged to the employer; and

(b) the amount specified in the demand.

(15) The amount mentioned in clause (14)(a) or (b) may be recovered from the third party by the director of employment standards by:

(a) filing a certificate in accordance with section 2-77, and that section applies, with any necessary modification, to that certificate; or

(b) issuing a demand in accordance with this section, and this section applies, with any necessary modification, to that demand.

2013, c.S-15.1, s.2-70.

Demand re moneys owing by the Crown and public agencies

2-71(1) In this section, **"Crown"** includes a ministry, department, agency, board and other body of the Government of Saskatchewan and a Crown corporation.

(2) A demand pursuant to section 2-70 may be served on the Crown.

(3) Subsections 2-70(14) and (15) do not apply to the Crown.

(4) For the purposes of applying section 2-70 to the Crown, only the following amounts owed by the Crown are subject to seizure:

(a) subject to subsection (5), amounts due to a person for commercial goods or services acquired by the Crown in the ordinary course of business;

(b) amounts due to a person pursuant to *The Saskatchewan Medical Care Insurance Act*;

(c) amounts due to a person as remuneration for employment.

(5) Without limiting the generality of subsection (4), the following amounts are not subject to seizure:

(a) amounts due to any person pursuant to a funding agreement for the delivery of programs funded by the Crown;

(b) payments made pursuant to *The Saskatchewan Assistance Act*;

(c) grants by the Crown made pursuant to any Act;

(d) amounts due by the Crown to a municipality.

2013, c.S-15.1, s.2-71.

How moneys received by the director are to be handled

2-72(1) If the director of employment standards receives moneys pursuant to a demand that is served after a wage assessment is issued, the director shall:

(a) if the employer and the employees agree on the amount of the unpaid wages owing to the employees, pay to the employees the amount agreed on;

(b) if the employer does not appeal the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, after the expiration of the appeal period; or

(c) if the employer appeals the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, on the final determination of the appeal.

(2) Subject to subsection (3), if the director of employment standards issues a demand before issuing a wage assessment against the employer, the director shall, promptly after receiving moneys pursuant to the demand:

(a) if the employer and the employees agree on the amount of the unpaid wages owing to the employees, pay to the employees the amount agreed on; and

(b) if the employer and the employees do not agree on the amount of the unpaid wages owing to the employees, issue a wage assessment against the employer and:

(i) if the employer does not appeal the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, after the expiration of the appeal period; or

(ii) if the employer appeals the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, on the final determination of the appeal.

(3) Subsection (2) does not apply to a demand issued in accordance with clause 2-70(15)(b) or subsection 2-92(4).

2013, c.S-15.1, s.2-72.

Dispute of liability of person who received demand

2-73(1) If a third party who receives a demand issued in accordance with subsection 2-70(2) disputes his or her liability to an employer, the third party may apply to a judge of the Court of Queen's Bench to set aside the demand.

(2) On an application pursuant to subsection (1), the Court of Queen's Bench may determine the following with respect to the third party who received the demand:

(a) whether the person is under a legal obligation to honour the demand;

(b) whether the person is entitled to set off a claim or obligation against the money or liability seized;

(c) the amount the person is liable to pay in response to the demand and the time within which payment must be made.

2013, c.S-15.1, s.2-73.

DIVISION 5
Wage Assessments, Appeals, Certificates, Collections

Wage assessments

2-74(1) In this Division, **"adjudicator"** means an adjudicator selected pursuant to subsection 4-3(3).

(2) Subject to subsection (4), if the director of employment standards has knowledge or has reasonable grounds to believe or suspects that an employer has failed or is likely to fail to pay wages as required pursuant to this Part, the director may issue a wage assessment against either or both of the following:

(a) the employer;

(b) subject to subsection (3), a corporate director.

(3) The director of employment standards may only issue a wage assessment against a corporate director if the director has knowledge or has reasonable grounds to believe or suspects that the corporate director is liable for wages in accordance with section 2-68.

(4) The amount of a wage assessment that the director of employment standards may assess is to be reduced by an amount that the director is satisfied that the employee earned or should have earned during the period when the employer or corporate director was required to pay the employee the wages.

(5) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (4).

(6) If the director of employment standards has issued a wage assessment pursuant to subsection (2), the director shall cause a copy of the wage assessment to be served on:

(a) the employer or corporate director named in the wage assessment; and

(b) each employee who is affected by the wage assessment.

(7) A wage assessment must:

(a) indicate the amount claimed against the employer or corporate director;

(b) direct the employer or corporate director to, within 15 business days after the date of service of the wage assessment:

(i) pay the amount claimed; or

(ii) commence an appeal pursuant to section 2-75; and

(c) in the case of a wage assessment issued after money has been received from a third party pursuant to a demand issued pursuant to Division 4, set out the amount paid to the director of employment standards by the third party.

(8) The director of employment standards may, at any time, amend or revoke a wage assessment.

2013, c.S-15.1, s.2-74; 2016 c 17 s 4.

Commencement of appeal to adjudicator

2-75(1) Any of the following may appeal a wage assessment:

(a) an employer or corporate director who disputes liability or the amount set out in the wage assessment;

(b) an employee who disputes the amount set out in the wage assessment.

(2) An appeal pursuant to this section must be commenced by filing a written notice of appeal with the director of employment standards within 15 business days after the date of service of a wage assessment.

(3) The written notice of appeal filed pursuant to subsection (2) must:

(a) set out the grounds of the appeal; and

(b) set out the relief requested.

(4) If the appellant is an employer or a corporate director, the employer or corporate director shall, as a condition of being eligible to appeal the wage assessment, deposit with the director of employment standards the amount set out in the wage assessment or any other prescribed amount.

(5) The amount mentioned in subsection (4) must be deposited before the expiry of the period during which an appeal may be commenced.

(6) Subsections (4) and (5) do not apply if moneys that meet the amount of the wage assessment or the prescribed amount have been paid to the director of employment standards pursuant to a demand mentioned in section 2-70.

(7) An appeal filed pursuant to subsection (2) is to be heard by an adjudicator in accordance with Part IV.

(8) On receipt of the notice of appeal and deposit required pursuant to subsection (4), the director of employment standards shall forward to the adjudicator:

(a) a copy of the wage assessment; and

(b) a copy of the written notice of appeal.

(9) The copy of the wage assessment provided to the adjudicator in accordance with subsection (8) is proof, in the absence of evidence to the contrary, that the amount stated in the wage assessment is due and owing, without proof of the signature or official position of the person appearing to have signed the wage assessment.

(10) On the final determination of an appeal, the amount deposited pursuant to subsection (4):

(a) must be returned if the employer or corporate director is found not to be liable for the wages; or

(b) must be applied to the wage claims of the employees if the determination is in favour of the employees in whole or in part and, if there is any part of the amount remaining after being applied to those wage claims, the remaining amount must be returned to the employer or corporate director.

2013, c.S-15.1, s.2-75.

Hearings for certain claims

2-76(1) In this section, **"proceeding"** includes a proceeding authorized by another Act, a civil proceeding or a grievance under a collective agreement.

(2) This section applies to a complaint by an employee that an employer has:

(a) failed to comply with the obligation to pay equal pay in accordance with section 2-21; or

(b) acted contrary to section 2-42.

(3) On receipt of a complaint pursuant to subsection (2), the director of employment standards may assign an employment standards officer to investigate the complaint.

(4) If the employment standards officer assigned pursuant to subsection (3) advises the director of employment standards that there is merit to the complaint, the director may:

(a) attempt to resolve the complaint; or

(b) refer the complaint to an adjudicator to be heard in accordance with Part IV.

(5) Notwithstanding subsection (3), the director of employment standards may refuse to investigate or deal with a complaint if the director is of the opinion that, having regard to all the circumstances of the complaint, a hearing of the complaint is not warranted.

(6) The director of employment standards may, at any time after a complaint is made, defer further action if another proceeding, in the opinion of the director, is more appropriate having regard to the nature of the allegations and the remedies available in the other proceeding.

(7) Notwithstanding any other provision of this Part or Part IV, there is no appeal of a decision of the director of employment standards taken pursuant to subsection (5) or (6).

2013, c.S-15.1, s.2-76.

Director's certificate

2-77(1) Subject to subsection (2), the director of employment standards may issue a certificate setting out the amount of wages owed to employees if:

(a) a period of 15 business days has elapsed after the date of service of a wage assessment and no notice of appeal has been served on the director in accordance with section 2-75; or

(b) the adjudicator, the board or the Court of Appeal has upheld all or a portion of the wage assessment.

(2) The amount of wages owing set out in a certificate issued pursuant to subsection (1) must be the amount that is:

(a) set out in the wage assessment or is the portion of that amount that remains to be paid to the employees;

(b) acknowledged in writing as owing by the employer or corporate director; or

(c) awarded by an adjudicator, the board or the Court of Appeal.

(3) The director of employment standards may issue a certificate setting out the amount of a third party's liability to the director pursuant to subsection 2-70(14).

2013, c.S-15.1, s.2-77.

Filing certificate in Court of Queen's Bench

2-78(1) A certificate issued pursuant to section 2-77 may be filed with a local registrar of the Court of Queen's Bench.

(2) A certificate filed pursuant to subsection (1) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt.

2013, c.S-15.1, s.2-78.

Enforcement of judgment

2-79 The director of employment standards may take the actions the director considers appropriate to enforce a judgment against an employer, corporate director or third party or to collect moneys owing to the Crown pursuant to this Part.

2013, c.S-15.1, s.2-79.

DIVISION 6
General

Subdivision 1
Administration

Director of employment standards

2-80(1) The minister shall appoint an employee of the ministry as director of employment standards.

(2) The director of employment standards may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Act or any other Act.

(3) The director of employment standards may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.2-80.

Appointment of employment standards officers

2-81(1) The minister may appoint any employees of the ministry or category of employees of the ministry as employment standards officers for the purpose of enforcing this Part, the regulations made pursuant to this Part and any other prescribed Acts and prescribed regulations.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

2013, c.S-15.1, s.2-81.

Written credentials for employment standards officers

2-82 The minister shall provide each employment standards officer with written credentials of the officer's appointment, and the employment standards officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.2-82.

Inspection

2-83(1) Subject to subsection (5), an employment standards officer may enter any premises, place of employment, workplace or other place where records of employment are kept and conduct an inspection for the purpose of:

(a) making an inquiry in response to a complaint of an employee; or

(b) determining whether there is compliance with this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1).

(2) An inspection may be conducted at any reasonable time.

(3) When conducting an inspection in accordance with subsection (1) or enforcing a certificate, decision, order or judgment for wages, an employment standards officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(c) require any person to deliver any information and records that the officer considers necessary to ascertain whether this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) are being or have been complied with:

(i) within a period stated by the officer;

(ii) at a place designated by the officer; and

(iii) in a form acceptable to the officer;

(d) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(e) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records;

(f) subject to subsection (6), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given.

(4) Without limiting the generality of subsection (3), for the purposes of enforcing a judgment for wages, an employment standards officer may demand from any person, including a judgment debtor, the Crown or any other public body, any information that pertains to the judgment debtor and that is within the knowledge of, or is in any records in the possession or control of, the person, the judgment debtor, the Crown or public body, as the case may be, including:

(a) the legal name of the judgment debtor;

(b) the location and address of the judgment debtor;

(c) any place of employment and work arrangements of the judgment debtor;

(d) the wages, salary and other income of the judgment debtor;

(e) the assets of the judgment debtor and any property in which the judgment debtor may have an interest and any relevant information about those assets or that property;

(f) any other information that may reasonably assist with enforcing the judgment.

(5) An employment standards officer shall not enter a private dwelling without a warrant issued pursuant to section 2-84 unless the occupant of the dwelling consents to the entry.

(6) An employment standards officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.2-83.

Investigations

2-84(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, premises or vehicle named in the warrant;

(b) stop and search any vehicle;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1);

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an employment standards officer may:

(a) enter at any time and search any place, premises or vehicle named in the warrant;

(b) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1); and

(c) remove, for the purpose of making copies, any records examined pursuant to this section.

(3) Subject to subsection (4), an employment standards officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result in the loss, removal or destruction of evidence.

(4) An employment standards officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.2-84.

Fee re wage assessments

2-85(1) If the director of employment standards issues a wage assessment pursuant to section 2-74 against an employer or a corporate director and the wage assessment is not appealed or is upheld on appeal, the person against whom the wage assessment is issued is liable to pay to the Crown a fee in the prescribed amount.

(2) If a person who is liable to pay the fee mentioned in subsection (1) fails to pay that fee within the prescribed time, the director of employment standards may issue a certificate setting out the amount of the fee.

(3) A certificate issued pursuant to subsection (2) may be filed with a local registrar of the Court of Queen's Bench.

(4) A certificate filed pursuant to subsection (3) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt.

(5) Without restricting the application of section 2-79, for the purposes of enforcing a certificate issued pursuant to this section, the director of employment standards may issue a demand in accordance with section 2-70, and that section applies, with any necessary modification, for the purposes of this section.

2013, c.S-15.1, s.2-85.

Compliance audits and audit fees

2-86(1) If the director of employment standards is satisfied that an employer has been regularly breaching the provisions of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1), the director may require that a compliance audit be conducted:

(a) by an employment standards officer; or

(b) by a person who the director is satisfied has the necessary skills to conduct the audit.

(2) Section 2-83 applies, with any necessary modification, to a compliance audit conducted in accordance with this section.

(3) If the compliance audit discloses multiple breaches of the requirements imposed on employers by this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1), the director of employment standards may charge the employer:

(a) a prescribed amount for an audit conducted by an employment standards officer; or

(b) the amount charged by the person appointed in accordance with clause (1)(b).

(4) Section 2-85 applies, with any necessary modification, to the enforcement of the amount charged pursuant to this section.

2013, c.S-15.1, s.2-86.

Director has standing as representative of employees

2-87(1) The director of employment standards:

(a) has standing to represent any or all employees of an employer:

(i) in proceedings respecting an appeal of a wage assessment or a hearing mentioned in sections 2-75 and 2-76 before an adjudicator, the board or a court;

(ii) in proceedings pursuant to any other Act or any Act of the Parliament of Canada with respect to claims for unpaid wages; and

(b) may apply to a court to intervene in proceedings involving claims by or against employees, if in the opinion of the director the proceedings raise an issue of general importance to the rights and responsibilities of employers or employees.

(2) Subsection (1) does not require the director of employment standards to represent employees in any proceedings.

(3) In exercising the power set out in subsection (1), the director of employment standards shall act in a reasonable manner.

2013, c.S-15.1, s.2-87.

Negotiation and settlement by director of employment standards

2-88 Notwithstanding any other provision of this Part, the director of employment standards may:

(a) negotiate and settle any difference pursuant to this Part between:

(i) an employer or corporate director; and

(ii) an employee; and

(b) receive moneys on behalf of the employee in settlement of the difference mentioned in clause (a).

2013, c.S-15.1, s.2-88.

Time limits for claims to director of employment standards

2-89(1) A claim pursuant to this Part with respect to unpaid wages must be made to the director of employment standards:

(a) within 12 months after the last day on which payment of wages was to be made to an employee and the employer failed to make the payment; or

(b) if employment with the employer has ended, within 12 months after the last day on which any final payment of wages was to be made to the employee.

(2) Recovery of wages pursuant to this Part is limited:

(a) to wages that became payable in the 12 months preceding the day on which the claim was made to the director of employment standards; or

(b) if the employment with the employer has ended, to wages that became payable within the last 12 months of employment with that employer.

(3) Other than with respect to a claim mentioned in subsection (1), a complaint respecting an alleged contravention of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) must be made to the director of employment standards within 12 months after the date on which the complainant knew or, in the opinion of the director, ought reasonably to have known about the alleged contravention.

2013, c.S-15.1, s.2-89.

Director of employment standards to keep records of moneys paid pursuant to this Part

2-90(1) The director of employment standards shall keep a record of:

(a) all moneys paid to the director by employers and corporate directors, and all moneys received, pursuant to demands and actions to enforce payments pursuant to this Part; and

(b) all moneys paid by the director to employees, employers or corporate directors.

(2) If money received by the director of employment standards on behalf of an employee has not been paid to the employee concerned because the director has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years after the date of its receipt by the director, the money, on the order of the minister:

(a) becomes the property of the Crown; and

(b) must be paid into the general revenue fund.

2013, c.S-15.1, s.2-90.

Posting of documents

2-91(1) The director of employment standards may require that an employer post in a workplace all or a portion of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any other documents that the director considers appropriate.

(2) No employer shall fail to comply with a requirement imposed on the employer pursuant to subsection (1).

2013, c.S-15.1, s.2-91.

Enforcement of extraprovincial judgments

2-92(1) Notwithstanding any other Act, the director of employment standards may file a certified copy of a final order or judgment for the payment of wages made by any court or statutory authority in any other province or territory of Canada in the office of a local registrar of the Court of Queen's Bench.

(2) A copy of any order made by a court or statutory authority mentioned in subsection (1) purporting to be certified as a true copy by the presiding officer, judge or secretary of the court or statutory authority is admissible in evidence as proof of the order without proof of the appointment or signature of the person so certifying.

(3) On being filed pursuant to subsection (1), the final order or judgment is enforceable in the same manner as any other judgment or order of the Court of Queen's Bench.

(4) For the purpose of enforcing orders or judgments mentioned in subsection (3), the director of employment standards may issue demands in accordance with section 2-70 and that section applies, with any necessary modification, for the purposes of this section.

2013, c.S-15.1, s.2-92.

Application to set aside filed orders and judgment

2-93(1) If an order or judgment has been filed pursuant to section 2-92, the person against whom the order or judgment was made may apply to the Court of Queen's Bench to have the filing set aside.

(2) An application pursuant to subsection (1) must be made within:

(a) one month after the person against whom the order or judgment was made has had notice of the filing; or

(b) any further time that the Court of Queen's Bench may allow pursuant to subsection (3).

(3) On an application by the person against whom the order or judgment was made and on any terms it considers just and equitable, the Court of Queen's Bench may extend the time within which an application may be made pursuant to subsection (1).

(4) An order to extend the time may be made pursuant to subsection (3) notwithstanding that the time within which an application pursuant to subsection (1) may be made expired before an application for extension was made pursuant to subsection (3).

(5) On an application pursuant to subsection (1), the Court of Queen's Bench may set aside the filing of the order or judgment if the court is satisfied that:

(a) the court or statutory authority in the other province or territory did not have territorial competence over the person against whom the order or judgment was made; or

(b) the order or judgment was obtained by fraud.

(6) If, on an application pursuant to subsection (1) it is established to the satisfaction of the Court of Queen's Bench that an appeal is pending in the other jurisdiction, the court may make any order that it considers appropriate.

2013, c.S-15.1, s.2-93.

***The Pension Benefits Act, 1992* to prevail**

2-94 If there is a conflict between any provision of this Part and *The Pension Benefits Act, 1992* or any regulations made pursuant to that Act, that Act or those regulations prevail.

2013, c.S-15.1, s.2-94.

Subdivision 2
Offences and Penalties

Offences

2-95(1) No person shall:

(a) in the case of an employer:

(i) fail to pay an employee:

(A) the wages owing to the employee in the time and manner required pursuant to this Part, the regulations made pursuant to this Part or any authorization issued pursuant to this Part; or

(B) the total wages to which the employee is entitled in accordance with the employee's contract of employment or with a collective agreement that applies to the employee;

(ii) take discriminatory action against an employee for any reason prohibited by this Part;

(iii) make a deduction from wages that is not authorized or allowed by this Part or the regulations made pursuant to this Part;

(iv) fail to keep true and accurate records as required pursuant to this Part or the regulations made pursuant to this Part;

(v) fail to provide a statement of earnings to an employee that satisfies the requirements of this Part or the regulations made pursuant to this Part; or

(vi) fail to provide records in the time and manner required by an employment standards officer;

(b) intentionally delay or obstruct the director of employment standards or an employment standards officer in the exercise of his or her powers or the performance of his or her duties;

(c) fail to reasonably cooperate with the director of employment standards or an employment standards officer in the exercise of his or her powers or the performance of his or her duties;

(d) fail to comply with any provision of this Part, any regulations made pursuant to this Part or any authorization issued pursuant to this Part.

(2) Every person who contravenes a provision of subsection (1) is guilty of an offence and liable on summary conviction:

(a) subject to clause (b), to a fine of not more than $10,000; and

(b) in the case of an offence that is committed within six years after the person is convicted of any offence:

(i) to a fine of not more than $25,000 for a second offence; and

(ii) to a fine of not more than $50,000 for a third or subsequent offence.

2013, c.S-15.1, s.2-95.

Order to pay wages or deliver records and information

2-96(1) Subject to subsection (3), if a person is convicted of an offence respecting the failure to pay wages, the convicting court may, in addition to any fine imposed by the court, order the person to pay the unpaid employee the amount of the wages to which the employee is entitled:

(a) immediately; or

(b) on those terms and conditions that the court directs.

(2) If an employer is convicted of an offence for failing to keep or deliver up for inspection any records or information as required or directed, the convicting judge may, in addition to any fine imposed, order the employer to immediately prepare and deliver to the director of employment standards those records or that information.

(3) The convicting court may reduce the amount of an award pursuant to this section by an amount that the convicting court is satisfied that the employee earned or should have earned during the period when the employer or corporate director was required to pay the employee the wages.

(4) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (3).

2013, c.S-15.1, s.2-96.

Additional powers of convicting court

2-97(1) If an employer is convicted of failure to grant an employment leave or of failure to reinstate an employee in his or her former employment after the employment leave, the convicting court may, in addition to any other penalty imposed for the offence, order the employer:

(a) if the conviction is for failure to grant an employment leave, to immediately grant to the employee the leave that the employer ought to have granted; or

(b) if the conviction is for failing to reinstate an employee in his or her former employment after the employee has been granted employment leave:

(i) to reinstate the employee in his or her former employment under the same terms and conditions in which he or she was formerly employed; and

(ii) to pay to the employee his or her wages retroactive to the date that the convicting judge determines that the employee ought to have been reinstated in his or her former employment pursuant to this Part.

(2) If an employer is convicted of failure to modify duties or reassign an employee because of the employee's disability or pregnancy, the convicting court may, in addition to any other penalty imposed for the offence, order the employer to reassign the employee to other duties or to modify the employee's duties so as to accommodate the employee's disability or pregnancy in a reasonable manner.

(3) If an employer is convicted of taking discriminatory action against an employee contrary to section 2-42, the convicting court may, in addition to any other penalty imposed, order the employer:

(a) to reinstate the employee in his or her former employment under the same terms and conditions in which he or she was formerly employed; and

(b) to pay to the employee his or her wages retroactive to the date that the discriminatory action was taken against the employee.

2013, c.S-15.1, s.2-97.

Limitation on prosecutions

2-98 No prosecution with respect to an alleged offence pursuant to this Part or to the regulations made pursuant to this Part is to be commenced after two years from the day of the commission of the alleged offence.

2013, c.S-15.1, s.2-98.

DIVISION 7
Regulations

Regulations for Part

2-99 The Lieutenant Governor in Council may make regulations:

(a) exempting any employer or category of employers from any or all of the provisions of this Part, conditionally or unconditionally;

(b) exempting any employee or category of employees from any or all of the provisions of this Part, conditionally or unconditionally;

(c) prescribing the period, if any, during which a regulation made pursuant to clause (a) or (b) applies;

(d) imposing terms and conditions applicable to any employer or employee or category of employers or employees exempted pursuant to clause (a) or (b), including terms and conditions prescribing the number of hours that an employee or category of employees may be required or permitted to work or to be at the disposal of his or her employer without the employer being required to pay the employee or category of employees additional wages pursuant to Subdivision 3 of Division 2;

(e) for the purposes of clause 2-1(f), prescribing activities:

(f) for the purposes of clause 2-3(1)(a), prescribing provisions of this Part that apply or do not apply to employees, employers or categories of employees or employers;

(g) for the purposes of section 2-16:

(i) prescribing the amount of the minimum wage or prescribing the manner in which the minimum wage is to be determined; and

(ii) prescribing the minimum sum to be paid when an employee reports for duty or prescribing the manner in which that minimum sum is to be determined;

(g.1) subject to any other Act, fixing the minimum age at which employees may be employed in any class of employment;

(g.2) requiring every employer in any class of employment to provide, repair and launder without charge to his or her employee any uniform or special article of wearing apparel that the employer requires the employee to wear;

(g.3) requiring that, if an employer grants a rest period to an employee, the employee shall be deemed to have worked during the whole of the period;

(g.4) fixing the maximum price to be charged to an employee by an employer, or the maximum deduction from the wages of an employee to be made by an employer, for living quarters in circumstances where the employer furnishes permanent or temporary living quarters to an employee:

(i) whether or not the living quarters are self-contained; and

(ii) whether or not the living quarters are in the general possession and custody of the employer;

(g.5) requiring that, if an employee or a member of a class of employees is required or permitted to finish work between the hours of half past twelve o'clock in the morning and seven o'clock in the morning local time, the employer shall provide the employee with free transportation to the employee's place of residence;

(h) authorizing the director of employment standards to conduct a vote of employees before issuing an authorization pursuant to this Part;

(i) governing the provision of benefits to eligible employees pursuant to section 2-39;

(j) prescribing benefit plans for the purposes of subsection 2-48(2);

(j.1) for the purposes of section 2-56.1:

(i) prescribing other persons; and

(ii) prescribing purposes for which leave may be taken;

(k) for the purposes of clause 2-62(2)(b), prescribing the period within which notice of group termination must be given;

(l) prescribing the amount of money that an appellant must deposit with the director of employment standards for the purposes of subsection 2-75(4);

(m) for the purposes of section 2-85, prescribing:

(i) the amount of fees payable or the manner of determining those fees; and

(ii) the time within which the fees must be paid;

(n) governing and requiring the keeping of records by employers for the purposes of this Part;

(o) respecting the determination of the cash value of board and lodging received by an employee from his or her employer;

(p) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.2-99; 2014, c.27, s.4; 2017, c31, s.5.

DIVISION 8
Transitional

Transitional

2-100(1) In this section, **"former Act"** means *The Labour Standards Act* as that Act existed on the day before the coming into force of this section.

(2) Subject to subsection (3), any written authorization that was in force pursuant to the former Act remains in force for the period of the authorization or until the director of employment standards amends or cancels the authorization in accordance with section 2-20.

(3) The Lieutenant Governor in Council may make regulations prescribing a maximum period during which an authorization mentioned in subsection (2) continues in force.

(4) An employer who is paying wages with the frequency and in the manner authorized by section 46 of the former Act shall, on or before July 1, 2018, pay wages with the frequency and in the manner required pursuant to this Part.

2013, c.S-15.1, s.2-100.

PART III
Occupational Health and Safety

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

3-1(1) In this Part and in Part IV:

(a) **"biological substance"** means a substance containing living organisms, including infectious micro-organisms, or parts of organisms or products of organisms in their natural or modified forms;

(b) **"chemical substance"** means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour, other than a biological substance;

(c) **"chief mines inspector"** means the chief mines inspector appointed pursuant to section 3-5;

(d) **"chief occupational medical officer"** means the chief occupational medical officer appointed pursuant to section 3-4;

(e) **"competent"** means possessing knowledge, experience and training to perform a specific duty;

(f) **"compliance undertaking"** means a compliance undertaking entered into pursuant to section 3-38;

(g) **"contractor"** means a person who, or a partnership or group of persons that, pursuant to one or more contracts:

(i) directs the activities of one or more employers or self-employed persons involved in work at a place of employment; or

(ii) subject to subsection (3), retains an employer or self-employed person to perform work at a place of employment;

(h) **"director of occupational health and safety"** means the director of occupational health and safety appointed pursuant to section 3-3;

(i) **"discriminatory action"** means any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty, but does not include:

(i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or

(ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker, while:

(A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;

(B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker's refusal to perform any particular act or series of acts; or

(C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a);

(j) **"employer"** means, subject to section 3-29, a person, firm, association or body that has, in connection with the operation of a place of employment, one or more workers in the service of the person, firm, association or body;

(k) **"equipment"** means any mechanical or non-mechanical article or device, and includes any machine, tool, appliance, apparatus, implement, service or utility, but does not include the personal property owned by an individual unless that property is used in the carrying on of an occupation;

(l) **"harassment"** means any inappropriate conduct, comment, display, action or gesture by a person:

(i) that either:

(A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

(B) subject to subsections (4) and (5), adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and

(ii) that constitutes a threat to the health or safety of the worker;

(m) **"notice of contravention"** means a notice of contravention served pursuant to section 3-38;

(n) **"occupation"** means employment, business, calling or pursuit;

(o) **"occupational health and safety"** means:

(i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;

(ii) the prevention among workers of ill health caused by their working conditions;

(iii) the protection of workers in their employment from factors adverse to their health;

(iv) the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions; and

(v) the promotion and maintenance of a working environment that is free of harassment;

(p) **"occupational health and safety representative"** means an occupational health and safety representative designated pursuant to section 3-24;

(q) **"occupational health and safety service"** means a service organized in or near a place of employment for the purposes of:

(i) protecting workers against any health or safety hazard that may arise out of their work or the working conditions under which it is carried on;

(ii) contributing to the workers' physical and mental adjustment in their employment and their assignment to jobs for which they are suited; and

(iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being in the workers;

(r) **"occupational health committee"** means an occupational health committee established pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part;

(s) **"occupational health officer"** means a person appointed as an occupational health officer pursuant to section 3-6;

(t) **"owner"** includes:

(i) a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used or to be used as a place of employment; and

(ii) any person who acts for or on behalf of a person mentioned in subclause (i) as that person's agent or delegate;

(u) **"physician"** means a duly qualified medical practitioner;

(v) **"place of employment"** means any plant in or on which one or more workers or self-employed persons work, usually work or have worked;

(w) **"plant"** includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation;

(x) **"practicable"** means possible given current knowledge, technology and invention;

(y) **"prime contractor"** means the person who is the prime contractor in accordance with section 3-13;

(z) **"reasonably practicable"** means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;

(aa) **"registered nurse"** means a nurse registered pursuant to *The Registered Nurses Act, 1988*;

(bb) **"self-employed person"** means a person who is engaged in an occupation but is not in the service of an employer;

(cc) **"structure"** includes any building, support for equipment, factory, road, dam, bridge, waterway, dock, railway or excavation;

(dd) **"supervisor"** means an individual who is authorized by an employer to oversee or direct the work of the employer's worker;

(ee) **"supplier"** means, unless otherwise stated, a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any biological substance or chemical substance or any plant to be used at a place of employment;

(ff) **"train"** means to give information and explanation to a worker with respect to a particular subject-matter and to require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;

(gg) **"worker"** means:

(i) an individual, including a supervisor, who is engaged in the service of an employer; or

(ii) a member of a prescribed category of individuals;

but does not include an inmate, as defined in *The Correctional Services Act, 2012*, of a correctional facility as defined in that Act who is participating in a work project or rehabilitation program within the correctional facility;

(hh) **"worksite"** means an area at a place of employment where a worker works or is required or permitted to be present.

(2) In this Part:

(a) if a provision refers to any matter or thing that an employer is required to do in relation to workers, the provision applies to workers who are in the service of that employer, unless the context requires otherwise; and

(b) if a provision refers to any matter or thing that an employer is required to do in relation to a place of employment, the provision applies to every place of employment of that employer, unless the context requires otherwise.

(3) For the purposes of subclause (1)(g)(ii), a person, partnership or group of persons is considered to be a contractor only if that person, partnership or group of persons knows or ought reasonably to know the provisions of this Part and the regulations made pursuant to this Part respecting the work or the place of employment at the time of retaining the employer or self-employed person to perform work at a place of employment.

(4) To constitute harassment for the purposes of paragraph (1)(l)(i)(B), either of the following must be established:

(a) repeated conduct, comments, displays, actions or gestures;

(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.

(5) For the purposes of paragraph (1)(l)(i)(B), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

2013, c.S-15.1, s.3-1.

Responsibilities of minister re Part

3-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to occupational health and safety and to advancing and improving occupational health and safety in the workplace.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting occupational health and safety;

(b) either alone or in conjunction with the Workers' Compensation Board and the minister responsible for the administration of *The Public Health Act, 1994*, prepare and maintain occupationally related injury and illness statistics respecting workers and self-employed persons;

(c) provide assistance to persons concerned with occupational health and safety and provide services to assist occupational health committees, occupational health and safety representatives, employers, workers and self-employed persons in maintaining reasonable standards for the protection of the health and safety of workers and self-employed persons;

(d) promote or conduct studies and research projects in connection with issues relating to the health and safety of workers;

(e) encourage or conduct educational programs including seminars and courses of training for promoting the health and safety of workers and for improving the qualifications of persons involved in the promotion of occupational health and safety; and

(f) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-2.

DIVISION 2
Administration

Appointment of director of occupational health and safety

3-3(1) The minister shall appoint an employee of the ministry as director of occupational health and safety.

(2) The director of occupational health and safety may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Part.

(3) The director of occupational health and safety may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.3-3.

Appointment of chief occupational medical officer

3-4 The minister shall appoint as chief occupational medical officer a physician who has training or experience in occupational health.

2013, c.S-15.1, s.3-4.

Appointment of chief mines inspector

3-5 The minister shall appoint as chief mines inspector a professional engineer or professional geoscientist who holds a valid licence pursuant to *The Engineering and Geoscience Professions Act*, or who is eligible for a licence pursuant to that Act, and who has training or experience in the mining industry.

2013, c.S-15.1, s.3-5.

Appointment of occupational health officers

3-6(1) The minister may appoint any employees of the ministry or category of employees of the ministry as occupational health officers for the purpose of enforcing this Part, the regulations made pursuant to this Part and any other prescribed Acts and prescribed regulations.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

(3) The director of occupational health and safety, the chief occupational medical officer and the chief mines inspector have all of the powers and authority and all of the protection of occupational health officers and any other powers that may be conferred on them by this Part or the regulations made pursuant to this Part.

(4) The minister may enter into an agreement with the government of any province or territory of Canada or with the Government of Canada specifying the terms and conditions under which a person employed by the government of that province or territory or the Government of Canada may, for the purposes of this Part, act as an occupational health officer in Saskatchewan.

(5) On any terms and conditions that the minister considers necessary, the minister may consent to have an occupational health officer carry out health and safety inspections or other work on behalf of the government of another province or territory of Canada or on behalf of the Government of Canada.

2013, c.S-15.1, s.3-6.

Written credentials for occupational health officers

3-7 The minister shall provide each occupational health officer with written credentials of the officer's appointment, and the occupational health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-7.

DIVISION 3
Duties

General duties of employer

3-8 Every employer shall:

(a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;

(b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;

(c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b);

(d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;

(e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;

(f) ensure that:

(i) the employer's workers are trained in all matters that are necessary to protect their health, safety and welfare; and

(ii) all work at the place of employment is sufficiently and competently supervised;

(g) if the employer is required to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment;

(h) ensure, insofar as is reasonably practicable, that the activities of the employer's workers at a place of employment do not negatively affect the health, safety or welfare at work of the employer, other workers or any self-employed person at the place of employment; and

(i) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-8.

General duties of supervisors

3-9 Every supervisor shall:

(a) ensure, insofar as is reasonably practicable, the health and safety at work of all workers who work under the supervisor's direct supervision and direction;

(b) ensure that workers under the supervisor's direct supervision and direction comply with this Part and the regulations made pursuant to this Part;

(c) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to harassment at the place of employment;

(d) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(e) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-9.

General duties of workers

3-10 Every worker while at work shall:

(a) take reasonable care to protect his or her health and safety and the health and safety of other workers who may be affected by his or her acts or omissions;

(b) refrain from causing or participating in the harassment of another worker;

(c) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(d) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-10.

General duties of self-employed persons

3-11 Every self-employed person shall:

(a) conduct his or her undertaking in such a way as to ensure, insofar as is reasonably practicable, that the self-employed person and workers employed on or about the same place of employment who may be affected by the undertaking are not thereby exposed to risks to their health and safety;

(b) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(c) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-11.

General duties of contractors

3-12 Every contractor shall:

(a) ensure, insofar as is reasonably practicable, that each of the following that is not in the direct and complete control of an employer or self-employed person under contract with the contractor is safe for, without risk to the health of, and adequate with regard to facilities for the welfare of, all employers, workers or self-employed persons at the place of employment:

(i) every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;

(ii) every work process or procedure carried on at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;

(b) post any prescribed notice in a conspicuous location at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person; and

(c) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-12.

General duties of prime contractors at certain multi-employer worksites

3-13(1) Every worksite must have a prime contractor if the worksite:

(a) has multiple employers or self-employed persons; and

(b) meets the prescribed circumstances.

(2) The prime contractor for a worksite mentioned in subsection (1) is to be determined in the prescribed manner.

(3) The prime contractor for a worksite shall carry out the prescribed activities.

2013, c.S-15.1, s.3-13.

General duties of owners

3-14 Every owner of any plant used as a place of employment shall:

(a) ensure, insofar as is reasonably practicable, that any area of the plant or activity occurring in or on an area of the plant that is not in the direct and complete control of any contractor, employer or self-employed person who works or employs one or more workers who work in or on the plant:

(i) is maintained or is carried on in compliance with this Part and the regulations made pursuant to this Part; and

(ii) does not endanger the health or safety of any contractor, employer, worker or self-employed person who works in or on the plant; and

(b) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-14.

General duties of suppliers

3-15 Every supplier shall:

(a) ensure, insofar as is reasonably practicable, that any biological substance or chemical substance or any plant supplied by the supplier to any owner, contractor, employer, worker or self-employed person for use in or at a place of employment:

(i) is safe when used in accordance with the instructions provided by the supplier; and

(ii) complies with the requirements of this Part and the regulations made pursuant to this Part;

(b) in the prescribed circumstances:

(i) provide written instruction respecting the safe use of equipment that is supplied by the supplier to be used in or at a place of employment by workers; and

(ii) provide notice when equipment supplied does not or will not likely comply with a prescribed standard when used at a place of employment by workers;

(c) if the supplier has responsibility under a leasing agreement to maintain equipment, maintain that equipment in a safe condition and in compliance with the regulations made pursuant to this Part and any applicable orders issued pursuant to those regulations; and

(d) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-15.

Duty to provide information

3-16(1) In this section, **"required information"**:

(a) means any information that an employer, contractor, owner or supplier knows or may reasonably be expected to know and that:

(i) may affect the health or safety of any person who works at a place of employment; or

(ii) is necessary to identify and control any existing or potential hazards with respect to any plant or any process, procedure, biological substance or chemical substance used at a place of employment; and

(b) includes any prescribed information.

(2) Subject to section 3-17 and Division 7, every employer shall keep readily available all required information and provide that information to the following at a place of employment:

(a) the occupational health committee;

(b) the occupational health and safety representative;

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(3) Subject to Division 7, every contractor shall provide all required information to:

(a) every employer and self-employed person with whom the contractor has a contract; and

(b) any occupational health committee established by the contractor.

(4) Subject to Division 7, every owner of a plant used as a place of employment shall provide all required information to every contractor, every employer who employs workers who work in or on the plant and every self-employed person who works in or on the plant.

(5) Subject to Division 7, every supplier shall provide prescribed written instructions and any other prescribed information to every employer to whom the supplier supplies any prescribed biological substance, chemical substance or plant.

2013, c.S-15.1, s.3-16.

Exemption

3-17(1) Subject to Division 7, an employer, owner, contractor or supplier may apply for an exemption from the requirements of subsection 3-16(2), (3), (4) or (5), as the case may be, with respect to information that contains trade secrets of the applicant by submitting a written request to the director of occupational health and safety.

(2) After consultation with any interested persons that the director of occupational health and safety considers appropriate, the director may exempt an applicant pursuant to subsection (1) from the requirements of subsection 3-16(2), (3), (4) or (5) with respect to information that contains trade secrets of the applicant.

(3) An exemption pursuant to subsection (2):

(a) must be in writing; and

(b) may be made subject to any terms and conditions that, in the opinion of the director of occupational health and safety, are necessary to secure the health or safety of the workers.

2013, c.S-15.1, s.3-17.

Provision of information to medical personnel

3-18(1) An employer shall, as soon as possible in the circumstances, provide any information exempted pursuant to subsection 3-17(2) that is in the possession of the employer to any physician or registered nurse who requests the information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a worker in an emergency.

(2) A physician or registered nurse to whom information is provided pursuant to subsection (1) shall:

(a) use the information only for the purpose for which it is provided; and

(b) keep confidential any information specified by the employer as confidential information.

2013, c.S-15.1, s.3-18.

Duty to provide occupational health and safety service

3-19(1) The minister may designate in writing a place of employment or a category of places of employment as requiring an occupational health and safety service, having regard to:

(a) the type of work being carried on;

(b) the number of workers employed; and

(c) the degree of hazard at the place or places of employment.

(2) An employer operating at a place of employment designated pursuant to subsection (1) shall establish and maintain an occupational health and safety service for the place of employment.

(3) The minister may specify in writing the services that are to be provided by the occupational health and safety service for a designated place of employment.

(4) The establishment and continued operation of an occupational health and safety service is subject to the direction of the minister.

(5) Nothing in this section is to be interpreted as limiting or replacing the duties or requirements imposed on employers and workers by this Part or the regulations made pursuant to this Part, including any duties related to occupational health committees or occupational health and safety representatives.

2013, c.S-15.1, s.3-19.

Duty to provide occupational health and safety programs

3-20(1) An employer at a prescribed place of employment shall establish and maintain an occupational health and safety program or a prescribed part of an occupational health and safety program in accordance with the regulations made pursuant to this Part.

(2) An occupational health and safety program at a prescribed place of employment must be established and designed in consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(3) An occupational health and safety program must include all prescribed documents, information and matters.

(4) An occupational health and safety program at a prescribed place of employment must be in writing and must be made available, on request, to the occupational health committee, the occupational health and safety representative, the workers or an occupational health officer.

(5) If the work at a place of employment is carried on pursuant to contracts between a contractor and two or more employers, the contractor shall coordinate the occupational health and safety programs of all employers at the place of employment.

(6) The director of occupational health and safety may order an employer to develop an occupational health and safety program for a place of employment if the director considers it to be in the interests of the health, safety and welfare of the employer's workers based on the criteria set out in subsection (8).

(7) An order issued pursuant to subsection (6) must be in writing.

(8) In making an order pursuant to subsection (6), the director of occupational health and safety shall consider the following criteria:

(a) the frequency of occupationally related injuries and illnesses at the place of employment;

(b) the number and nature of the notices of contravention relating to the place of employment and the history of compliance with those orders and with compliance undertakings;

(c) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

2013, c.S-15.1, s.3-20.

Duty re policy statement on violence and prevention plan

3-21(1) An employer operating at a prescribed place of employment where violent situations have occurred or may reasonably be expected to occur shall develop and implement a written policy statement and prevention plan to deal with potentially violent situations after consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement and prevention plan required pursuant to subsection (1) must include any prescribed provisions.

2013, c.S-15.1, s.3-21.

DIVISION 4
Occupational Health Committees and Occupational Health and Safety Representatives

Establishment of committees

3-22(1) Subject to the regulations made pursuant to this Part, at every place of employment where 10 or more workers of one employer work, the employer shall:

(a) establish an occupational health committee at the place of employment; and

(b) designate persons as members of the occupational health committee in accordance with this section.

(2) An occupational health committee must consist of at least two and no more than 12 persons.

(3) At least half of the members of an occupational health committee must represent workers other than workers connected with the management of the place of employment.

(4) No person who represents workers shall be designated as a member of an occupational health committee unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers whom the person would represent on the committee, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

2013, c.S-15.1, s.3-22.

Director may order additional or new occupational health committees

3-23(1) Notwithstanding section 3-22, but subject to subsections (2) to (4) and the regulations made pursuant to this Part, the director of occupational health and safety may order an employer or contractor to establish:

(a) an additional occupational health committee if, in the opinion of the director, the place of employment would be better served by more than one committee; or

(b) an occupational health committee to protect the health, safety and welfare of the workers if an occupational health committee is not otherwise required.

(2) An order issued pursuant to subsection (1) must be in writing.

(3) In an order issued pursuant to this section, the director of occupational health and safety may specify the composition, practice and procedures of the occupational health committee.

(4) In making an order pursuant to this section, the director of occupational health and safety shall consider the following criteria:

(a) the nature of the work performed at the place of employment;

(b) any request to establish an occupational health committee made by an employer, a prime contractor, a worker or a union representing workers at the place of employment;

(c) the frequency of occupationally related injuries and illnesses at the place of employment or in the industry with which the place of employment is associated;

(d) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

2013, c.S-15.1, s.3-23.

Designation of representatives

3-24(1) Subject to the regulations made pursuant to this Part, at each prescribed place of employment where fewer than 10 workers of one employer work, the employer shall designate a person as the occupational health and safety representative for those workers.

(2) No person may be designated as an occupational health and safety representative unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or the bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers that the person would represent as an occupational health and safety representative, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

2013, c.S-15.1, s.3-24.

Duty to post names

3-25(1) A person who is required to establish an occupational health committee pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part shall post the names of the members of the committee in a conspicuous location at every place of employment of workers represented by the committee.

(2) An employer who is required to designate an occupational health and safety representative pursuant to section 3-24 shall post the name of the representative in a conspicuous location at every place of employment of workers represented by the representative.

2013, c.S-15.1, s.3-25.

General concern of committees and representatives

3-26 An occupational health committee and an occupational health and safety representative shall have a continuing concern with respect to the health, safety and welfare at a place of employment of workers represented by the committee or the representative.

2013, c.S-15.1, s.3-26.

Duties of committees

3-27(1) The duties of an occupational health committee are the following:

(a) to participate in the identification and control of health and safety hazards in or at the place of employment;

(b) to cooperate with the occupational health and safety service, if any, established for the place of employment;

(c) to establish, promote and recommend the means of delivery of occupational health and safety programs for the education and information of workers;

(d) to maintain records with respect to the duties of the committee pursuant to this section;

(e) to investigate any matter mentioned in section 3-31;

(f) to receive, consider and resolve matters respecting the health and safety of workers;

(g) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) An employer or contractor shall ensure that the duties of the occupational health committee imposed by this Part or the regulations made pursuant to this Part are not diminished by any other committee established within the place of employment by the employer or contractor.

2013, c.S-15.1, s.3-27.

Duties of representatives

3-28(1) The duties of an occupational health and safety representative are the following:

(a) to participate in the identification and control of health and safety hazards in or at the place of employment;

(b) to cooperate with the occupational health and safety service, if any, established for the place of employment;

(c) to receive and distribute to workers information regarding health and safety;

(d) to receive, consider and resolve matters respecting the health and safety of workers;

(e) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) The occupational health and safety representative shall perform his or duties in consultation with the employer.

2013, c.S-15.1, s.3-28.

Reference of matters to occupational health officer

3-29(1) In this section, **"employer"** means any person who is required to establish an occupational health committee pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part or to designate an occupational health and safety representative pursuant to section 3-24.

(2) If an employer does not resolve an issue or address a concern raised by an occupational health committee or an occupational health and safety representative with respect to the health, safety and welfare of the workers at a place of employment, the employer shall provide written reasons for not resolving the issue or addressing the concern to the committee or to the representative.

(3) If the parties cannot resolve an issue or address a concern after the provision of written reasons by the employer pursuant to subsection (2), any of the following may refer the matter to an occupational health officer:

(a) the employer;

(b) the occupational health committee;

(c) a member of the occupational health committee;

(d) the occupational health and safety representative.

(4) If a matter is referred to an occupational health officer pursuant to subsection (3), the officer may:

(a) determine that there is no issue or concern and inform the person who referred the matter of the determination;

(b) endeavour to mediate an acceptable resolution of the matter and, if the matter cannot be resolved, give written reasons to the employer and to the occupational health committee or the occupational health and safety representative, as the case may be, why the matter cannot be resolved; or

(c) issue a notice of contravention in accordance with this Part.

(5) Nothing in this section limits the right of a worker to refer any matter respecting occupational health and safety directly to an occupational health officer.

2013, c.S-15.1, s.3-29.

Provision of reports by occupational health officer

3-30 If an occupational health officer provides an employer with a report or other communication related to the health and safety of workers, the occupational health officer shall, at the same time, provide a copy of the report or communication to:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) if there is no occupational health committee and no occupational health and safety representative, the employer's workers.

2013, c.S-15.1, s.3-30.

DIVISION 5
Right to Refuse Dangerous Work; Discriminatory Action

Right to refuse dangerous work

3-31 A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:

(a) sufficient steps have been taken to satisfy the worker otherwise; or

(b) the occupational health committee has investigated the matter and advised the worker otherwise.

2013, c.S-15.1, s.3-31.

Investigation by occupational health officer

3-32 If there is no occupational health committee at a place of employment or if the worker or the employer is not satisfied with the decision of the occupational health committee pursuant to clause 3-31(b):

(a) the worker or the employer may request an occupational health officer to investigate the matter; and

(b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 3-31 until the occupational health officer has investigated the matter and advised the worker otherwise pursuant to subsection 3-33(2).

2013, c.S-15.1, s.3-32.

Decision of occupational health officer

3-33(1) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer may issue a notice of contravention in writing to the employer requiring the appropriate remedial action.

(2) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is not unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer shall, in writing:

(a) advise the employer and the worker of that decision; and

(b) advise the worker that he or she is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-33.

Other workers not to be assigned

3-34 If a worker has refused to perform an act or series of acts pursuant to section 3-31, the employer shall not request or assign another worker to perform that act or series of acts unless that other worker has been advised by the employer, in writing, of:

(a) the refusal and the reasons for the refusal;

(b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act or series of acts in a healthy and safe manner; and

(c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-34.

Discriminatory action prohibited

3-35 No employer shall take discriminatory action against a worker because the worker:

(a) acts or has acted in compliance with:

(i) this Part or the regulations made pursuant to this Part;

(ii) Part V or the regulations made pursuant to that Part;

(iii) a code of practice issued pursuant to section 3-84; or

(iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;

(b) seeks or has sought the enforcement of:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;

(d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;

(e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;

(f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;

(g) is about to testify or has testified in any proceeding or inquiry pursuant to:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment;

(i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;

(j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or

(k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part.

2013, c.S-15.1, s.3-35.

Referral to occupational health officer

3-36(1) A worker who, on reasonable grounds, believes that the employer has taken discriminatory action against him or her for a reason mentioned in section 3-35 may refer the matter to an occupational health officer.

(2) If an occupational health officer decides that an employer has taken discriminatory action against a worker for a reason mentioned in section 3-35, the occupational health officer shall serve a notice of contravention requiring the employer to:

(a) cease the discriminatory action;

(b) reinstate the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;

(c) subject to subsection (5), pay to the worker any wages that the worker would have earned if the worker had not been wrongfully discriminated against; and

(d) remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) If an occupational health officer decides that no discriminatory action has been taken against a worker for any of the reasons set out in section 3-35, the occupational health officer shall advise the worker of the reasons for that decision in writing.

(4) If discriminatory action has been taken against a worker who has acted or participated in an activity described in section 3-35:

(a) in any prosecution or other proceeding taken pursuant to this Part, there is a presumption in favour of the worker that the discriminatory action was taken against the worker because the worker acted or participated in an activity described in section 3-35; and

(b) the onus is on the employer to establish that the discriminatory action was taken against the worker for good and sufficient other reason.

(5) The amount of money that an occupational health officer may require to be paid pursuant to clause (2)(c) is to be reduced by an amount that the officer is satisfied that the worker earned or should have earned during the period when the employer was required to pay the worker the wages.

(6) The employer has the onus of establishing the amount of the reduction mentioned in subsection (5).

2013, c.S-15.1, s.3-36.

Order to reinstate worker wrongfully discriminated against

3-37(1) If an employer is convicted of taking discriminatory action against a worker contrary to any provision of this Part, the convicting judge shall order the employer:

(a) to cease the discriminatory action;

(b) to reinstate the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;

(c) subject to subsection (2), to pay to the worker any wages the worker would have earned if the worker had not been wrongfully discriminated against; and

(d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(2) The amount of wages that are ordered to be paid pursuant to clause (1)(c) must be reduced by an amount that the convicting judge is satisfied that the worker earned or should have earned during the period when the employer was required to pay the worker the wages.

(3) The employer has the onus of establishing the amount by which an award pursuant to clause (1)(c) should be reduced in accordance with subsection (2).

2013, c.S-15.1, s.3-37.

DIVISION 6
Compliance Undertakings and Notices of Contravention

Compliance undertakings and notices of contravention

3-38(1) An occupational health officer shall act pursuant to subsection (2) if the occupational health officer is of the opinion that a person:

(a) is contravening any provision of this Part or the regulations made pursuant to this Part; or

(b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.

(2) In the circumstances mentioned in subsection (1), the occupational health officer shall:

(a) subject to subsection (4), require the person to enter into a compliance undertaking; or

(b) serve a notice of contravention on the person.

(3) For the purposes of subsection (2):

(a) a compliance undertaking must:

(i) be in writing and in the form approved by the director of occupational health and safety;

(ii) contain a description by the occupational health officer of the action to be undertaken by the person; and

(iii) contain the person's signed commitment to:

(A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the occupational health officer in the compliance undertaking; and

(B) provide a progress report in accordance with section 3-43; and

(b) a notice of contravention must:

(i) cite the contravened provision of this Part or of the regulations made pursuant to this Part;

(ii) state the reasons for the occupational health officer's opinion; and

(iii) require the person to remedy the contravention within a period specified by the occupational health officer in the notice of contravention.

(4) An occupational health officer shall not allow a person to enter into a compliance undertaking if a provision of this Part or the regulations made pursuant to this Part requires that a notice of contravention be issued.

(5) An occupational health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:

(a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 3-43; or

(b) in the opinion of the occupational health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

2013, c.S-15.1, s.3-38.

Directions to remedy contravention

3-39 A notice of contravention may include directions as to the measures to be taken to remedy the contravention to which the notice relates, and the directions must, if practicable, give the person on whom the notice is served a choice of different ways of remedying the contravention.

2013, c.S-15.1, s.3-39.

Contravention involving risk to health or safety

3-40 If an occupational health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a risk to the health or safety of a worker, the occupational health officer may direct in the notice of contravention that any activity to which the notice of contravention relates shall not be carried on after the period specified in the notice or until the contravention specified in the notice has been remedied, whichever occurs first.

2013, c.S-15.1, s.3-40.

Contravention involving serious risk to health or safety

3-41(1) If an occupational health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a serious risk to the health or safety of a worker, the occupational health officer shall, in the notice of contravention, require the cessation of work that involves a serious risk to workers arising from that contravention until the requirement to cease work has been withdrawn by an occupational health officer.

(2) Notwithstanding subsection (1), if an occupational health officer requires the immediate cessation of any work at or the evacuation of workers from a place of employment or a worksite pursuant to subsection (1), the person on whom the notice of contravention is served may, subject to any direction given by the occupational health officer, carry out or cause workers to carry out the activities or measures necessary to remedy the contravention.

2013, c.S-15.1, s.3-41.

Copy of compliance undertaking or notice of contravention

3-42 If a person enters into a compliance undertaking or an occupational health officer serves a notice of contravention on any person, the occupational health officer shall:

(a) if there is an occupational health committee or an occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, provide the occupational health committee or the occupational health and safety representative with a copy of the compliance undertaking or notice of contravention; or

(b) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post a copy of the compliance undertaking or notice of contravention in a conspicuous location at that place of employment.

2013, c.S-15.1, s.3-42.

Progress report

3-43 Within five business days after the end of the period specified in a compliance undertaking or notice of contravention within which a contravention is to be remedied, the person who entered into the compliance undertaking or on whom the notice of contravention is served:

(a) shall:

(i) provide the occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; or

(ii) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post in a conspicuous location at the place of employment a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; and

(b) shall provide the occupational health officer who received the compliance undertaking or who served the notice of contravention with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention.

2013, c.S-15.1, s.3-43.

Reassignment to alternative work

3-44 If an occupational health officer has served on an employer a notice of contravention that includes a requirement mentioned in section 3-41, the employer shall assign to alternative work, without loss of pay, his or her workers who are no longer able to work at a worksite with respect to which the notice of contravention applies until the workers are permitted by an occupational health officer to resume their work at the worksite.

2013, c.S-15.1, s.3-44.

Withdrawals of certain requirements

3-45 An occupational health officer may withdraw any requirement for the cessation of work mentioned in section 3-41 that is included in a notice of contravention if the occupational health officer is satisfied that the contravention with respect to which the cessation of work was required has been remedied.

2013, c.S-15.1, s.3-45.

Notices of contravention that do not take immediate effect

3-46 If a notice of contravention that is not to take immediate effect has been served:

(a) the notice may be withdrawn by an occupational health officer at any time before the end of the period specified in the notice; or

(b) the period specified pursuant to clause (a) may be extended or further extended by an occupational health officer at any time except when an appeal against the notice is pending.

2013, c.S-15.1, s.3-46.

DIVISION 7
Workplace Hazardous Materials Information System

Interpretation of Division

3-47 In this Division:

(a) **"appeal board"** means an appeal board appointed pursuant to subsection 43(1) of the *Hazardous Materials Information Review Act* (Canada) in relation to appeals relating to the provisions of the *Hazardous Products Act* (Canada);

(b) **"concentration"** means concentration as expressed in the prescribed manner;

(c) **"hazardous product"** means any product, mixture, material or substance that is classified in accordance with the regulations made pursuant to subsection 15(1) of the *Hazardous Products Act* (Canada) in a category or subcategory of a hazard class listed in Schedule 2 of that Act;

(d) **"label"** means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged;

(e) **"pictogram"** means a graphical composition that includes a symbol along with other graphical elements, such as a border or background colour;

(f) **"pure substance"** means a substance that is composed mainly of a single biological or chemical ingredient;

(g) **"safety data sheet"** means a safety data sheet as defined in the regulations;

(h) **"supplier"** means a supplier as defined in the *Hazardous Products Act* (Canada).

2015, c.31, s.3.

Employer's duties re substances and hazardous products

3-48 Without restricting the generality of section 3-8 or limiting the duties of an employer pursuant to this Part and the regulations made pursuant to this Part, but subject to any prescribed exemptions, every employer shall, with respect to every place of employment controlled by that employer:

(a) ensure that concentrations of biological substances and chemical substances in the place of employment are controlled in accordance with prescribed standards;

(b) ensure that all biological substances and chemical substances in the place of employment are stored, handled and disposed of in the prescribed manner;

(c) ensure that all biological substances and chemical substances in the place of employment, other than hazardous products, are identified in the prescribed manner;

(d) subject to section 3-50, ensure that each hazardous product in the place of employment or each container in the place of employment in which a hazardous product is contained:

(i) has a label that discloses all applicable prescribed information applied to it; and

(ii) has all applicable prescribed pictograms displayed on it in the prescribed manner; and

(e) subject to section 3-50, make available to the employer's workers, to the prescribed extent and in the prescribed manner, a safety data sheet with respect to each hazardous product in the place of employment that discloses:

(i) if the hazardous product is a pure substance, the biological or chemical identity of the hazardous product and, if the hazardous product is not a pure substance, the biological or chemical identity of any ingredient of it that is a hazardous product and the concentration of that ingredient;

(ii) the biological or chemical identity of any ingredient of the hazardous product that the employer has reasonable grounds to believe may be harmful to a worker and the concentration of that ingredient;

(iii) the biological or chemical identity of any ingredient of the hazardous product of which the toxicological properties are not known to the employer and the concentration of that ingredient; and

(iv) any prescribed information with respect to the hazardous product.

2015, c.31, s.3.

Information re hazardous product

3-49 As soon as is practicable in the circumstances, an employer shall provide, with respect to any hazardous product in a place of employment controlled by the employer, any information mentioned in clause 3-48(e) that is in the possession of the employer to any physician or registered nurse who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a worker in an emergency.

2015, c.31, s.3.

Exemption from disclosure

3-50(1) In accordance with subsections (2) and (3), an employer who is required, pursuant to the regulations, to disclose any of the following information on a label or safety data sheet may, if the employer considers that information to be confidential business information, claim an exemption from the requirement to disclose that information:

(a) in the case of a material or substance that is a hazardous product:

(i) the chemical name of the material or substance;

(ii) the number assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society, or any other unique identifier, of the material or substance; and

(iii) the chemical name of any impurity, solvent or stabilizing additive that:

(A) is present in the material or substance;

(B) is classified in a category or subcategory of a health hazard class pursuant to the *Hazardous Products Act* (Canada); and

(C) contributes to the classification of the material or substance in the health hazard class pursuant to that Act;

(b) in the case of an ingredient that is in a mixture that is a hazardous product:

(i) the chemical name of the ingredient;

(ii) the identification number assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society, or any other unique identifier, of the ingredient; and

(iii) the concentration or concentration range of the ingredient;

(c) in the case of a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or any ingredient in the mixture;

(d) the product identifier of a hazardous product, being its chemical name, common name, generic name, trade name or brand name;

(e) information about a hazardous product, other than the product identifier, that constitutes a means of identification; and

(f) information that could be used to identify a supplier of a hazardous product.

(2) Subject to section 3-49, an employer described in subsection (1) may, if the employer considers that information to be confidential business information, claim an exemption from the requirement to disclose that information in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(3) A claim for an exemption pursuant to subsection (2) may, in the discretion of the Minister of Health for Canada, be heard and determined by an occupational health officer or employee of that Minister in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(4) An appeal by a claimant or any affected party of a decision pursuant to subsection (3) may, in the discretion of the Minister of Health for Canada, be heard and determined by an appeal board in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(5) The director of occupational health and safety may publish in *The Saskatchewan Gazette* any notice respecting a claim for exemption or an appeal that would be required pursuant to the *Hazardous Materials Information Review Act* (Canada) to be published in the *Canada Gazette* as if the employer were an employer to whom the *Canada Labour Code* applies.

2015, c.31, s.3.

Information confidential

3-51(1) Subject to subsections (2) and (3), no employee of the ministry and no other person who assists in the administration of this Part shall, during his or her employment or after the termination of his or her appointment or services, reveal any manufacturing or trade secrets that may come to the knowledge of the employee or other person in the course of his or her duties, except for the purposes of this Part and the regulations made pursuant to this Part or as required by law.

(2) For the purposes of subsection (3), **"confidential information"** means:

(a) information that, before the determination of a claim pursuant to section 16 of the *Hazardous Materials Information Review Act* (Canada), is claimed to be confidential business information:

(i) pursuant to section 3-50, by an employer manufacturing or using a hazardous product; or

(ii) pursuant to the *Hazardous Materials Information Review Act* (Canada), by a supplier as defined in the *Hazardous Products Act* (Canada); or

(b) information with respect to which, pursuant to section 16 of the *Hazardous Materials Information Review Act* (Canada):

(i) a claim or portion of a claim for exemption pursuant to section 11 of the *Hazardous Materials Information Review Act* (Canada) has been determined to be valid; and

(ii) compliance with the provisions of the *Hazardous Products Act* (Canada) or the *Canada Labour Code* has not been ordered.

(3) Confidential information is privileged and, notwithstanding any other Act or law, shall not be disclosed to any other person unless the specific disclosure has been expressly authorized by an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada) or the appeal board, if:

(a) for the purposes of the administration or enforcement of this Part, the information:

(i) is communicated to the Government of Saskatchewan or any agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada); or

(ii) is obtained by the Government of Saskatchewan or an agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada) or an order or decision of the appeal board through the inspection of or access to any book, record, writing or other document, of the Minister of Health for Canada or appeal board; or

(b) the information is obtained by any person for the purposes of or through the administration or enforcement of this Part, the *Hazardous Products Act* (Canada) or the *Hazardous Materials Information Review Act* (Canada).

2013, c.S-15.1, s.3-51; 2015, c.31, s.3.

DIVISION 8
Appeals

Interpretation of Division

3-52(1) In this Division:

(a) **"adjudicator"** means an adjudicator appointed pursuant to Part IV;

(b) **"decision"** includes:

(i) a decision to grant an exemption;

(ii) a decision to issue, affirm, amend or cancel a notice of contravention or to not issue a notice of contravention; and

(iii) any other determination or action of an occupational health officer that is authorized by this Part.

(2) In this Division and in Part IV, **"person who is directly affected by a decision"** means any of the following persons to whom a decision of an occupational health officer is directed and who is directly affected by that decision:

(a) a worker;

(b) an employer;

(c) a self-employed person;

(d) a contractor;

(e) a prime contractor;

(f) an owner;

(g) a supplier;

(h) any other prescribed person or member of a category of prescribed persons;

but does not include any prescribed person or category of prescribed persons.

2013, c.S-15.1, s.3-52.

Appeal of occupational health officer decision

3-53(1) A person who is directly affected by a decision of an occupational health officer may appeal the decision.

(2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.

(3) The written notice of appeal must:

(a) set out the names of all persons who are directly affected by the decision that is being appealed;

(b) identify and state the decision being appealed;

(c) set out the grounds of the appeal; and

(d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

(4) Subject to subsection (10) and section 3-54, an appeal pursuant to subsection (1) is to be conducted by the director of occupational health and safety.

(5) In conducting an appeal pursuant to subsection (1), the director of occupational health and safety shall:

(a) provide notice of the appeal to persons who are directly affected by the decision; and

(b) provide an opportunity to the persons who are directly affected by the decision to make written representations to the director as to whether the decision should be affirmed, amended or cancelled.

(6) The written representations by a person mentioned in clause (5)(b) must be made within:

(a) 30 days after notice of appeal is provided to that person; or

(b) any further period permitted by the director of occupational health and safety.

(7) The director of occupational health and safety is not required to give an oral hearing with respect to an appeal pursuant to subsection (1).

(8) After conducting an appeal in accordance with this section, the director of occupational health and safety shall:

(a) affirm, amend or cancel the decision being appealed; and

(b) provide written reasons for the decision made pursuant to clause (a).

(9) The director of occupational health and safety shall serve a copy of a decision made pursuant to subsection (8) on all persons who are directly affected by the decision.

(10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:

(a) the notice of appeal;

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who are directly affected by the decision.

2013, c.S-15.1, s.3-53.

Appeals re harassment or discriminatory action

3-54(1) An appeal mentioned in subsection 3-53(1) with respect to any matter involving harassment or discriminatory action is to be heard by an adjudicator in accordance with Part IV.

(2) The director of occupational health and safety shall provide notice of the appeal mentioned in subsection (1) to persons who are directly affected by the decision.

2013, c.S-15.1, s.3-54.

Providing appeal material to adjudicator

3-55 In the case of an appeal mentioned in subsection 3-53(10) or section 3-54 that is to be heard by an adjudicator, the director of occupational health and safety shall forward to the adjudicator:

(a) the notice of appeal mentioned in subsection 3-53(2);

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who have been provided notice of the appeal pursuant to clause 3-53(5)(a) or subsection 3-54(2).

2013, c.S-15.1, s.3-55.

Appeal of director's decision to adjudicator

3-56(1) A person who is directly affected by a decision of the director of occupational health and safety made pursuant to subsection 3-53(8) may appeal the decision to an adjudicator in accordance with subsection (2) within 15 business days after the date of service of the decision.

(2) An appeal pursuant to subsection (1) is to be commenced by filing a written notice of appeal with the director of occupational health and safety that:

(a) sets out the names of all persons who are directly affected by the decision being appealed;

(b) identifies and states the decision being appealed;

(c) sets out the grounds of the appeal; and

(d) sets out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

2013, c.S-15.1, s.3-56.

Decisions not stayed by appeals

3-57(1) Subject to subsections (2) and (3), the commencement of an appeal pursuant to section 3-53 or 3-56 does not stay the effect of a decision that is being appealed.

(2) The director of occupational health and safety may, on the director's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the director.

(3) An adjudicator may, on the adjudicator's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the adjudicator.

2013, c.S-15.1, s.3-57.

Discriminatory action during appeal

3-58(1) This section applies if:

(a) a worker commences an appeal on the basis of a decision made by an occupational health officer pursuant to subsection 3-33(2);

(b) the director of occupational health and safety or an adjudicator amends the decision of the occupational health officer and decides that the act or series of acts is or was unusually dangerous to the health or safety of the worker or any other person at the place of employment; and

(c) in the opinion of the director of occupational health and safety or the adjudicator, the employer has, on or after the day on which the occupational health officer advised the employer and the worker of his or her decision pursuant to subsection 3-33(2), taken discriminatory action against the worker as a result of the worker's refusal to perform certain acts pursuant to section 3-31.

(2) In the circumstances mentioned in subsection (1), the director of occupational health and safety or the adjudicator, as the case may be, may order an employer:

(a) to cease the discriminatory action;

(b) if the discriminatory action changed the worker's employment status or the terms and conditions of the worker's employment, to reinstate the worker to his or her former employment on the same terms and conditions under which the worker was employed before the discriminatory action was taken;

(c) subject to subsection (3), if the discriminatory action adversely affected the wages of the worker, to pay to the worker any wages that the worker would have earned if the discriminatory action had not been taken against the worker; and

(d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) The amount of money that the director of occupational health and safety or an adjudicator may award pursuant to clause (2)(c) is to be reduced by an amount that the director or adjudicator is satisfied that the worker earned or should have earned during the period when the employer was required to pay the worker the wages.

(4) The employer has the onus of establishing the amount of the reduction mentioned in subsection (3).

2013, c.S-15.1, s.3-58.

DIVISION 9
Medical Examinations and Treatment

Medical examination

3-59(1) With the consent of each worker being examined, the chief occupational medical officer may carry out or arrange to have carried out by a physician or by a qualified person at the expense of the employer any medical examinations of workers that the chief occupational medical officer considers advisable for the purposes of this Part.

(2) Medical examinations mentioned in subsection (1) may be conducted during working hours without loss in pay to the worker or workers being examined, and the employer shall:

(a) if required by the physician or other qualified person, provide suitable accommodation at the place of employment for the examinations; and

(b) otherwise facilitate the performance of the examinations.

2013, c.S-15.1, s.3-59.

Confidentiality

3-60 A physician or other qualified person who conducts a medical examination of a worker pursuant to section 3-59 shall not communicate, to the employer or to any person other than the worker or the worker's physician, any information that the physician or qualified person becomes aware of during the course of the medical examination unless the communication:

(a) is made to the chief occupational medical officer at the request of the chief occupational medical officer;

(b) is expressly authorized by the worker; or

(c) is in a form that will prevent the information from being identified with a particular person or case.

2013, c.S-15.1, s.3-60.

Power to require alternative work

3-61 If it appears to the director of occupational health and safety on the advice of the chief occupational medical officer that a worker has been overexposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his or her usual work, the director of occupational health and safety may order the employer to provide, without loss of pay to the worker, temporary alternative work that, in the opinion of the director, is suitable, for any period that the director may specify.

2013, c.S-15.1, s.3-61.

Reports to be provided by physician, hospital, etc.

3-62(1) This section applies to:

(a) a worker or self-employed person who became ill or injured while employed at a place of employment or while being otherwise engaged in an occupation; or

(b) a worker who has been examined pursuant to section 3-59.

(2) Every physician or other qualified person who is attending or who has been consulted respecting a worker or self-employed person mentioned in subsection (1) shall, on the request of the chief occupational medical officer, provide the chief occupational medical officer with any reports concerning the condition of the worker or self-employed person that the chief occupational medical officer may require for the purposes of this Part.

(3) Notwithstanding any other Act or law, if a worker or self-employed person mentioned in subsection (1) is or has been a patient in a hospital, the person in charge of the administrative affairs of that hospital shall, on request and without charge, provide to the chief occupational medical officer any reports concerning the condition of the worker or self-employed person that the chief occupational medical officer may require for the purposes of this Part.

2013, c.S-15.1, s.3-62.

DIVISION 10
Inspections, Inquiries and Investigations

Inspections

3-63(1) Subject to subsection (4), an occupational health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

(a) preventing work-related incidents, injuries or illnesses;

(b) ascertaining the cause and particulars of a work-related incident, injury or illness or of an incident that had the potential to cause a work-related incident, injury or illness;

(c) making an inquiry in response to a complaint concerning occupational health and safety; or

(d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the occupational health officer has reasonable grounds to believe that a situation exists that is or may be hazardous to workers.

(3) When conducting an inspection in accordance with subsection (1), an occupational health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to occupational health and safety;

(g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.

(4) An occupational health officer shall not enter a private dwelling without a warrant issued pursuant to section 3-68 unless the occupant of the dwelling consents to the entry.

(5) An occupational health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.3-63.

Obtaining information

3-64(1) For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety, an occupational health officer, the chief occupational medical officer or the chief mines inspector, the director of occupational health and safety may direct any person to provide the director with any information in any form and manner and within any time that the director may specify.

(2) In the prescribed circumstances, an employer shall compile occupationally related injury and illness statistics for the place of employment.

(3) An employer shall:

(a) compile statistics in the prescribed manner; and

(b) ensure that the compilation of the statistics pursuant to clause (a) includes the prescribed matters.

(4) The statistics must be compiled and provided in a manner that protects the confidentiality of workers.

(5) The employer shall:

(a) post the statistics for the information of workers; and

(b) provide the statistics to:

(i) if there is an occupational health committee, the occupational health committee;

(ii) if there is an occupational health and safety representative, the occupational health and safety representative; or

(iii) if there is no occupational health committee or occupational health and safety representative, the workers.

2013, c.S-15.1, s.3-64.

Report re condition of plant

3-65(1) If the director of occupational health and safety is of the opinion that the health and safety of a worker may be at risk as a consequence of the condition of a plant, the director may issue a written direction to an employer, contractor, owner or supplier requiring the employer, contractor, owner or supplier:

(a) to have, at the employer's, contractor's, owner's or supplier's own expense, a person with the qualifications that the director may specify in the direction conduct those tests or examinations that the director may require in the direction; and

(b) to provide the director with a written report by the qualified person mentioned in clause (a) setting out the results of those tests or examinations.

(2) No employer, contractor, owner or supplier shall fail to comply with a written direction issued to the employer, contractor, owner or supplier pursuant to this section.

2013, c.S-15.1, s.3-65.

Requirement to perform tests or examinations

3-66(1) If the director of occupational health and safety is of the opinion that the health and safety of a worker may be at risk from a biological substance or chemical substance at work, the director may issue a written direction to an employer or owner requiring the employer or owner:

(a) to have, at the employer's or owner's own expense, a person with the qualifications that the director may specify in the direction conduct those tests or examinations that the director may require in the direction; and

(b) to provide the director with a written report by the qualified person mentioned in clause (a) setting out the results of those tests or examinations.

(2) No employer or owner shall fail to comply with a written direction issued to the employer or owner pursuant to this section.

2013, c.S-15.1, s.3-66.

Inquiry

3-67(1) Subject to subsection (2), an occupational health officer may require any person who the occupational health officer has reasonable cause to believe possesses any information respecting a work related fatality, serious injury or allegation of harassment to attend an interview and provide full and correct answers to any questions that the occupational health officer believes it necessary to ask.

(2) An interview held pursuant to subsection (1) is to be held in the absence of persons other than:

(a) a person nominated to be present by the person being interviewed; and

(b) any other persons whom the occupational health officer may allow to be present.

(3) No person shall fail to comply with a requirement imposed on the person pursuant to this section.

2013, c.S-15.1, s.3-67.

Investigations

3-68(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an occupational health officer may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle named in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;

(e) remove, for the purpose of making copies, any records examined pursuant to this section;

(f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and

(h) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.

(3) Subject to subsection (4) an occupational health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) An occupational health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.3-68.

DIVISION 11
Councils, Workers' Compensation Board and Director's Decisions

Occupational Health and Safety Council

3-69(1) The Occupational Health and Safety Council is continued.

(2) The Occupational Health and Safety Council consists of a maximum of nine members, including:

(a) a chairperson appointed by the Lieutenant Governor in Council; and

(b) an even number of members appointed by the Lieutenant Governor in Council, half of whom represent workers and half of whom represent employers.

(3) The minister shall:

(a) from a list of nominees provided to the minister by labour organizations, recommend persons for appointment as members who represent workers; and

(b) from a list of nominees provided to the minister by employer associations, recommend persons for appointment as members who represent employers.

(4) Members of the Occupational Health and Safety Council:

(a) hold office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(5) A majority of the members of the Occupational Health and Safety Council constitute a quorum if at least two members who represent workers and two members who represent employers are present.

2013, c.S-15.1, s.3-69.

Duties of Occupational Health and Safety Council

3-70(1) The Occupational Health and Safety Council is to meet at the call of the minister or the chairperson, but, in any case, must meet at least once in each year.

(2) The Occupational Health and Safety Council shall:

(a) consider the following matters:

(i) occupational health and safety generally and the protection of workers and self-employed persons;

(ii) the appointment of advisory committees by the minister to assist in the administration of this Part;

(iii) any matter relating to occupational health and safety on which the minister seeks the opinion of the Occupational Health and Safety Council; and

(b) give advice or make recommendations to the minister on any matter mentioned in this subsection.

(3) At the request of the minister and when a review of this Part is required by section 9-13, the Occupational Health and Safety Council shall:

(a) review the adequacy of this Part and its administration; and

(b) report its findings and recommendations to the minister.

2013, c.S-15.1, s.3-70.

Farm Health and Safety Council

3-71(1) The Farm Health and Safety Council is continued.

(2) The Farm Health and Safety Council consists of:

(a) a chairperson appointed by the Lieutenant Governor in Council; and

(b) not more than eight other members appointed by the Lieutenant Governor in Council.

(3) A majority of the members of the Farm Health and Safety Council are to be persons who operate or work on a farm.

(4) Each person appointed pursuant to subsection (2) is to be a person who:

(a) is associated with farming; and

(b) in the opinion of the Lieutenant Governor in Council, possesses particular knowledge and experience that would assist the Farm Health and Safety Council in advising on matters related to:

(i) the promotion of the health or safety of persons on farms; or

(ii) the protection of persons on farms.

(5) Members of the Farm Health and Safety Council:

(a) hold office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(6) A majority of the members of the Farm Health and Safety Council constitute a quorum if:

(a) at least half of that majority consists of members who operate or work on a farm; and

(b) at least two members who do not operate or work on a farm are present.

2013, c.S-15.1, s.3-71.

Duties of Farm Health and Safety Council

3-72(1) The Farm Health and Safety Council is to meet at the call of the minister or the chairperson, but, in any case, must meet at least once in each year.

(2) The Farm Health and Safety Council shall:

(a) consider the following matters:

(i) the promotion of the health or safety of persons on farms and the protection of persons on farms;

(ii) any matter relating to the health or safety of persons on farms or the protection of persons on farms on which the minister seeks the opinion of the Farm Health and Safety Council; and

(b) give advice or make recommendations to the minister on any matter mentioned in this subsection.

2013, c.S-15.1, s.3-72.

Certain matters re councils and administration of this Part

3-73(1) The minister may:

(a) approve, with or without modification, any recommendation made to the minister by the Occupational Health and Safety Council pursuant to section 3-70 or by the Farm Health and Safety Council pursuant to section 3-72;

(b) call a meeting of the Occupational Health and Safety Council pursuant to section 3-70 or the Farm Health and Safety Council pursuant to section 3-72;

(c) appoint advisory committees or consultants from among persons who are professionally or technically qualified to advise the minister or to assist in the administration of this Part and the regulations made pursuant to this Part;

(d) direct the director of occupational health and safety or the chief occupational medical officer, or authorize any other person, to investigate and make a special report to the minister on any matter concerning occupational health and safety; and

(e) appoint a person to conduct a public or private inquiry into any matter concerning occupational health and safety.

(2) Members of the Occupational Health and Safety Council and the Farm Health and Safety Council, members of advisory committees appointed pursuant to subsection (1), consultants and investigators appointed pursuant to subsection (1) and persons carrying out medical examinations pursuant to section 3-59 and making medical reports pursuant to section 3-62 are entitled to the following:

(a) except for those persons who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the Lieutenant Governor in Council;

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

(3) Persons appointed by the minister pursuant to clause (1)(e) have all the powers of commissioners pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

2013, c.S-15.1, s.3-73; 2014, c.27, s.5.

Costs of administration of this Part

3-74(1) On or before June 30 in each year, the minister shall advise the Workers' Compensation Board of the estimated cost for that calendar year of the administration of this Part and the regulations made pursuant to this Part.

(2) On being advised of the estimated cost for a calendar year pursuant to subsection (1), the Workers' Compensation Board shall, on or before January 31 of the following year, pay into the general revenue fund with respect to those costs the sum that the minister may direct, not exceeding the actual costs of the administration of this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-74.

Forwarding information to Workers' Compensation Board

3-75(1) Subject to subsection (2) and to the regulations made pursuant to this Part, the director of occupational health and safety may forward to the Workers' Compensation Board any information respecting the occupational health and safety practices of an employer or any category of employers that the director considers appropriate for the purpose of improving occupational health and safety.

(2) Not less than 14 days before information is forwarded to the Workers' Compensation Board, the director of occupational health and safety shall send to an employer who is the subject of the information a copy of the information being forwarded that has not been previously provided to the employer.

2013, c.S-15.1, s.3-75.

Director's decisions to be posted

3-76(1) The director of occupational health and safety shall cause the following documents to be posted in at least two conspicuous locations at the place of employment of every worker or self-employed person who is or may be directly affected by the exemption, decision or stay of a decision:

(a) a notice of any exemption granted by the director pursuant to subsection 3-17(2) or section 3-85;

(b) a copy of any decision of the director and the written reasons for the decision provided pursuant to subsection 3-53(8);

(c) notice of any stay by the director or an adjudicator of all or any portion of a decision pursuant to section 3-57.

(2) No person shall remove, alter, damage or deface any notice or other document posted pursuant to subsection (1) without the prior authorization of an occupational health officer or the director of occupational health and safety.

2013, c.S-15.1, s.3-76.

Promptness of decisions

3-77 A decision that is required to be made pursuant to this Part or the regulations made pursuant to this Part by an occupational health officer or the director of occupational health and safety must be made as soon as is reasonably possible.

2013, c.S-15.1, s.3-77.

DIVISION 12
Offences and Penalties

Offences

3-78 No person shall:

(a) fail to comply with any term or condition imposed on that person by a notice of contravention;

(b) intentionally obstruct the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;

(c) fail to reasonably cooperate with the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;

(d) make or cause to be made a false entry in any register, book, notice or other document to be kept by the person pursuant to this Part or the regulations made pursuant to this Part, or delete or destroy any true or proper entry in any of those documents;

(e) take discriminatory action against a worker contrary to section 3-35;

(f) fail to comply with an order, decision or direction made pursuant to this Part or the regulations made pursuant to this Part; or

(g) fail to comply with any provision of this Part or any provision of the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-78.

Penalties

3-79(1) Subject to subsection (2), every person who is guilty of an offence mentioned in clause 3-78(b), (d) or (f) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding $4,000.

(2) Every person who is guilty of an offence mentioned in clause 3-78(f) because of a failure by the person to comply with a decision or order of the director of occupational health and safety pursuant to section 3-53 or with a decision or order of an adjudicator is liable on summary conviction, in addition to any other fine or penalty imposed pursuant to this Act:

(a) to a fine not exceeding $10,000; and

(b) to a further fine not exceeding $1,000 for each day or portion of a day during which the offence continues.

(3) Every person who is guilty of an offence mentioned in clause 3-78(a), (e) or (g) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (4).

(4) A person who is convicted of an offence mentioned in subsection (3) is liable:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $20,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $20,000; and

(B) to a further fine not exceeding $2,000 for each day or portion of a day during which the offence continues;

(b) for a second or subsequent offence:

(i) that is a single, isolated offence, to a fine not exceeding $40,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $40,000; and

(B) to a further fine not exceeding $4,000 for each day or portion of a day during which the offence continues.

(5) Every person who is guilty of an offence mentioned in section 3-78 that does not cause but is likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (6).

(6) A person who is convicted of an offence mentioned in subsection (5) is liable:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $100,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $100,000; and

(B) to a further fine not exceeding $10,000 for each day or portion of a day during which the offence continues;

(b) for a second or subsequent offence:

(i) that is a single, isolated offence, to a fine not exceeding $200,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $200,000; and

(B) to a further fine not exceeding $20,000 for each day or portion of a day during which the offence continues.

(7) Subject to subsection (9), every person who is guilty of an offence mentioned in section 3-78 that causes the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding $500,000.

(8) If an individual is convicted of an offence mentioned in subsection (7), the convicting judge may, in addition to imposing a fine, order that the convicted individual be imprisoned for a term not exceeding two years.

(9) If a corporation is convicted of an offence mentioned in subsection (7), the convicting judge may order that the convicted corporation pay a fine not exceeding $1,500,000 if the convicting judge is satisfied that it is appropriate to do so having regard to:

(a) the need to achieve general deterrence;

(b) the number of previous convictions imposed on the convicted corporation;

(c) the number of previous notices of contraventions issued to, and the number of previous compliance undertakings entered into by, the convicted corporation; and

(d) the degree of responsibility of the convicted corporation, including considering the number of employees employed by the convicted corporation.

2013, c.S-15.1, s.3-79.

Onus on accused re duty or requirement

3-80 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part respecting a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, the onus is on the accused to prove, as the case may be, that:

(a) it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement; or

(b) there was no better practicable means than was actually used to satisfy the duty or requirement.

2013, c.S-15.1, s.3-80.

Onus on accused re training of workers

3-81 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part consisting of a failure to comply with a duty or requirement related to the training of workers, the onus is on the accused to prove that the training provided met the requirements of this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-81.

Limitation on prosecution

3-82 No prosecution with respect to an alleged offence pursuant to this Part or to the regulations made pursuant to this Part is to be commenced after two years from the day of the commission of the alleged offence.

2013, c.S-15.1, s.3-82.

DIVISION 13
Regulations and Codes of Practice

Regulations for Part

3-83(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the standards to be established and maintained by specified persons for the protection of the health and safety of workers and self-employed persons at any place of employment;

(b) prescribing the contents of occupational health and safety programs;

(c) for the purposes of clause 3-1(1)(gg), prescribing categories of persons as workers;

(d) prescribing measures that employers must take to carry out their duties pursuant to section 3-8;

(e) for the purposes of section 3-13:

(i) prescribing the circumstances in which a prime contractor must be appointed;

(ii) prescribing the manner in which a prime contractor must be determined; and

(iii) prescribing the activities to be carried out by a prime contractor;

(f) for the purposes of clause 3-15(b):

(i) prescribing circumstances when a supplier must act in accordance with that clause; and

(ii) prescribing standards that equipment must be in compliance with;

(g) for the purposes of section 3-21:

(i) prescribing places of employment respecting which an employer shall develop and implement a written policy statement and prevention plan; and

(ii) prescribing provisions that must be included in a policy statement and prevention plan;

(h) for the purposes of section 3-23, respecting the establishment of additional occupational health committees and governing the powers of the director of occupational health and safety in ordering the establishment of additional occupational health committees;

(h.1) for the purposes of clause 3-47(g), defining data safety sheet;

(h.2) for the purposes of section 3-48, prescribing exemptions;

(h.3) for the purposes of clause 3-48(a), prescribing standards;

(h.4) for the purposes of clause 3-48(b), prescribing the manner in which biological substances and chemical substances must be stored, handled and disposed of;

(h.5) for the purposes of clause 3-48(c), prescribing the manner in which biological substances and chemical substances must be identified;

(h.6) for the purposes of clause 3-48(d), prescribing information that must be applied and prescribing pictograms and prescribing the manner in which pictograms must be displayed;

(h.7) for the purposes of clause 3-48(e), prescribing the extent to which and the manner in which safety data sheets are made available and other information respecting a hazardous product that is to be disclosed in a safety data sheet;

(i) for the purposes of subsection 3-52(2):

(i) prescribing persons or categories of persons as persons directly affected by a decision of an occupational health officer; and

(ii) prescribing persons or categories of person who are not persons directly affected by a decision of an occupational health officer;

(j) regulating or prohibiting the manufacture, supply, storage, keeping or use of any biological substance or chemical substance or any plant and the carrying on of any process, procedure or undertaking;

(k) if necessary to ensure the health and safety of workers and self-employed persons, imposing requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, demolition, testing, inspection or use of any plant;

(l) imposing requirements with respect to the marking of any plant or any articles or equipment used or made at any plant and regulating or restricting the use of specified markings;

(m) imposing requirements with respect to the testing or examination of any substance produced, used, stored or otherwise found at a place of employment;

(n) imposing requirements with respect to the labelling of, and disclosure of information respecting, any substance produced, used, stored or otherwise found at a place of employment;

(o) if necessary to ensure the health and safety of workers, regulating the employment of or requiring the provision of alternative work for:

(i) any worker sensitized to any biological substance or chemical substance in the place of employment;

(ii) any pregnant worker; or

(iii) any other person;

(p) if necessary to ensure the health and safety of workers and self-employed persons, restricting the performance of specified functions to persons possessing specified qualifications or experience;

(q) requiring the making of arrangements to promote the health of workers, including arrangements for medical examinations and health surveys;

(r) requiring the registration of workers exposed to contaminants at a place of employment;

(s) requiring the making of arrangements to:

(i) monitor the atmospheric or other conditions in which persons work;

(ii) determine and record the exposure of workers to biological substances or chemical substances, processes or physical agents at the place of employment; or

(iii) provide for the registration of workers exposed to any biological substance or chemical substance, process or physical agent at the place of employment;

(t) respecting and governing any matter affecting the conditions in which persons work, including:

(i) the structural condition and stability of places of employment;

(ii) the means of access to and exit from places of employment;

(iii) the cleanliness, temperature, lighting, ventilation, adequacy of work space, noise levels and vibrations at places of employment; and

(iv) the existence of dust and fumes at places of employment;

(u) respecting the provision of vaccinations against diseases associated with any occupation or category of occupations to any worker or worker in a category of workers who chooses to receive the vaccination;

(v) providing for minimum standards of certain welfare facilities for workers, including an adequate water supply, sanitary and washing facilities, transportation and first-aid arrangements for sick or injured workers, cloakroom accommodation, sitting facilities and lunchroom facilities;

(w) imposing requirements with respect to the provision and use in specified circumstances of protective clothing or equipment, including clothing affording protection against the hazards of work and against unusual exposure to the weather;

(x) imposing requirements with respect to the instruction, training and supervision of workers;

(y) respecting smoking or the prohibition of smoking in any place of employment, including the designation of the areas in which smoking will be permitted at a place of employment;

(z) requiring reports to be made to the director of occupational health and safety;

(aa) prescribing the contents of any report to be made to the minister;

(bb) requiring the posting, provision, availability or distribution of specified information, instructions, notices, documents, signs or posters;

(cc) prescribing any information, instructions, notices, documents, signs or posters that are to be posted, provided, made available or distributed pursuant to any provision of this Part;

(dd) imposing requirements with respect to the keeping, preservation and submission of records and other documents necessary for the administration of this Part, including:

(i) the specifications, plans and maps of any plant, process or procedure;

(ii) any document containing a description of the composition of any substance;

(iii) records of any atmospheric condition in a plant; and

(iv) records of worker exposure to a biological substance or chemical substance, process or physical agent at a place of employment;

(ee) requiring prompt notification of specified kinds of occupational injuries, illnesses and dangerous occurrences and prescribing actions to be taken or not to be taken to facilitate inquiry into and prevention of recurrences of those injuries, illnesses and dangerous occurrences and prescribing to whom notice must be given;

(ff) specifying conditions under which potentially hazardous work may be performed;

(gg) requiring notice to the director of occupational health and safety respecting any person, premises or thing employed or used in specified hazardous activities as a condition of initiating or carrying on any of those activities;

(hh) requiring the establishment of one or more occupational health committees by one or more employers, contractors or owners with respect to workers, work activities or places of employment;

(ii) imposing duties on any person required to establish an occupational health committee with respect to the selection of members, the duties and responsibilities or the operation of the occupational health committee;

(jj) respecting the composition, duties and functions of occupational health committees, the duties and functions of occupational health and safety representatives and the participation of workers in inspections, investigations and related matters;

(kk) respecting the safety of any transportation provided by any prescribed person for use by workers;

(ll) establishing and imposing requirements for any place of employment according to the type of activities carried on, the number of workers, the degree of hazard to the health and safety of workers and other persons, or the frequency and seriousness of accidents and occupational diseases at the place of employment;

(mm) prescribing places of employment or categories of places of employment at which an employer is required to develop and implement a policy statement with respect to potentially violent situations and prescribing provisions that must be incorporated in the policy statement;

(nn) respecting or prescribing the conditions under which a licence, certificate or permit may be issued, suspended or cancelled;

(oo) respecting the forwarding of information to the Workers' Compensation Board by the director of occupational health and safety pursuant to section 3-75;

(pp) prescribing additional powers of the chief mines inspector;

(qq) for the purposes of section 3-64:

(i) prescribing the circumstances in which an employer must compile, post and provide statistics;

(ii) prescribing the manner in which statistics must be compiled; and

(iii) prescribing the matters to be included in the compilation of statistics;

(rr) prescribing or governing any other matter or thing required or authorized by this Part to be prescribed or governed in the regulations;

(ss) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

(2) Any regulation made pursuant to this section may be made to apply:

(a) to all persons, to one or more persons or to one or more categories of persons; or

(b) to all places of employment or worksites, to one or more places of employment or worksites or to categories of places of employment or worksites.

(3) Subject to subsection (4), no regulation made pursuant to this section comes into force until a period of not less than 60 days has elapsed after it is published in *The Saskatchewan Gazette*.

(4) Subsection (3) does not apply if, in the opinion of the Lieutenant Governor in Council:

(a) an emergency exists;

(b) a delay in the coming into force of a regulation would be contrary to the public interest; or

(c) the subject-matter of the proposed regulation is of a minor nature.

2013, c.S-15.1, s.3-83; 2015, c.31, s.4.

Codes of practice

3-84(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the director of occupational health and safety may, after any consultation with interested persons or associations that the director considers advisable:

(a) issue codes of practice; and

(b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the director of occupational health and safety shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the director of occupational health and safety has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the director of occupational health and safety is admissible in evidence in any court without proof of the signature, appointment or authority of the director.

2013, c.S-15.1, s.3-84.

Exemptions

3-85(1) In order to meet the special circumstances in a particular case, the director of occupational health and safety may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or category of persons from any provision of the regulations made pursuant to this Part or a code of practice.

(2) An exemption pursuant to subsection (1) is to be made only if the director of occupational health and safety is satisfied that the standard of health and safety of any worker is not materially affected by the exemption.

2013, c.S-15.1, s.3-85.

DIVISION 14
Transitional

Transitional

3-86(1) In this section, **"former Act"** means *The Occupational Health and Safety Act, 1993* as that Act existed on the day before the coming into force of this section.

(2) All notices of contravention that were issued and compliance undertakings that were entered into by an employer pursuant to the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued or entered into pursuant to this Part.

(3) All codes of practice that were issued by the director of occupational health and safety pursuant to section 45 of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(4) All designations, orders, exemptions and approvals granted by the director of occupational health and safety pursuant to the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been granted pursuant to this Part.

(5) The members of the Occupational Health and Safety Council and the members of the Farm Health and Safety Council immediately before the coming into force of this section are continued as members of the respective councils until new appointments are made pursuant to this Part.

2013, c.S-15.1, s.3-86.

PART IV
Appeals and Hearings re Parts II and III

Adjudicators

4-1(1) After any consultation by the minister with labour organizations and employer associations that the minister considers appropriate, the Lieutenant Governor in Council may appoint as adjudicators for the purpose of hearing appeals or conducting hearings pursuant to Parts II and III one or more individuals who possess the prescribed qualifications.

(2) An adjudicator appointed pursuant to subsection (1):

(a) holds office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(3) If the term of an adjudicator expires after the adjudicator has begun hearing a matter but before the hearing is completed, the adjudicator may continue with the hearing as if his or her term had not expired, and the decision is effective as though he or she still held office.

(4) Adjudicators are to be paid:

(a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

2013, c.S-15.1, s.4-1.

Adjudicator – duties

4-2 An adjudicator shall:

(a) hear and decide appeals pursuant to Part II and conduct hearings pursuant to Division 5 of Part II;

(b) hear and decide appeals pursuant to Division 8 of Part III; and

(c) carry out any other prescribed duties.

2013, c.S-15.1, s.4-2.

Selection of adjudicator

4-3(1) In this section and section 4-4, **"registrar"** means the registrar of the Labour Relations Board provided pursuant to section 6-99.

(2) The director of employment standards and the director of occupational health and safety shall inform the board of an appeal or hearing to be heard by an adjudicator.

(3) On being informed of an appeal or hearing pursuant to subsection (2) and in accordance with any regulations made pursuant to this Part, the registrar shall select an adjudicator.

2016 c17 s5.

Procedures on appeals

4-4(1) After selecting an adjudicator pursuant to section 4-3 and in accordance with any regulations made pursuant to this Part, the registrar shall:

(a) in consultation with the adjudicator and the parties, set a time, day and place for the hearing of the appeal or the hearing; and

(b) give written notice of the time, day and place for the appeal or the hearing to:

(i) in the case of an appeal or hearing pursuant to Part II:

(A) the director of employment standards;

(B) the employer;

(C) each employee listed in the wage assessment or hearing notice; and

(D) if a claim is made against any corporate directors, those corporate directors; and

(ii) in the case of an appeal or hearing pursuant to Part III:

(A) the director of occupational health and safety; and

(B) all persons who are directly affected by the decision being appealed.

(2) Subject to the regulations, an adjudicator may determine the procedures by which the appeal or hearing is to be conducted.

(3) An adjudicator is not bound by the rules of law concerning evidence and may accept any evidence that the adjudicator considers appropriate.

(4) An adjudicator may determine any question of fact that is necessary to the adjudicator's jurisdiction.

(5) A technical irregularity does not invalidate a proceeding before or by an adjudicator.

(6) Notwithstanding that a person who is directly affected by an appeal or a hearing is neither present nor represented, if notice of the appeal or hearing has been given to the person pursuant to subsection (1), the adjudicator may proceed with the appeal or the hearing and make any decision as if that person were present.

(7) *The Arbitration Act, 1992* does not apply to adjudications conducted pursuant to this Part.

2013, c.S-15.1, s.4-4; 2016 c17 s6.

Powers of adjudicator

4-5(1) In conducting an appeal or a hearing pursuant to this Part, an adjudicator has the following powers:

(a) to require any party to provide particulars before or during an appeal or a hearing;

(b) to require any party to produce documents or things that may be relevant to a matter before the adjudicator and to do so before or during an appeal or a hearing;

(c) to do all or any of the following to the same extent as those powers are vested in the Court of Queen's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise;

(iii) to compel witnesses to produce documents or things;

(d) to administer oaths and affirmations;

(e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the adjudicator considers appropriate, whether admissible in a court of law or not;

(f) to conduct any appeal or hearing using a means of telecommunications that permits the parties and the adjudicator to communicate with each other simultaneously;

(g) to adjourn or postpone the appeal or hearing.

(2) With respect to an appeal pursuant to section 3-54 respecting a matter involving harassment or a discriminatory action, the adjudicator:

(a) shall make every effort that the adjudicator considers reasonable to meet with the parties affected by the decision of the occupational health officer that is being appealed with a view to encouraging a settlement of the matter that is the subject of the occupational health officer's decision; and

(b) with the agreement of the parties, may use mediation or other procedures to encourage a settlement of the matter mentioned in clause (a) at any time before or during a hearing pursuant to this section.

2013, c.S-15.1, s.4-5.

Decision of adjudicator

4-6(1) Subject to subsections (2) to (5), the adjudicator shall:

(a) do one of the following:

(i) dismiss the appeal;

(ii) allow the appeal;

(iii) vary the decision being appealed; and

(b) provide written reasons for the decision to the board, the director of employment standards or the director of occupational health and safety, as the case may be, and any other party to the appeal.

(2) If, after conducting a hearing, the adjudicator concludes that an employer or corporate director is liable to an employee or worker for wages or pay instead of notice, the amount of any award to the employee or worker is to be reduced by an amount that the adjudicator is satisfied that the employee earned or should have earned:

(a) during the period when the employer or corporate director was required to pay the employee the wages; or

(b) for the period with respect to which the employer or corporate director is required to make a payment instead of notice.

(3) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (2).

(4) If, after conducting a hearing concerned with section 2-21, the adjudicator concludes that the employer has breached section 2-21, the adjudicator may exercise the powers given to the Court of Queen's Bench pursuant to sections 38 to 41 of *The Saskatchewan Human Rights Code, 2018* and those sections apply, with any necessary modification, to the adjudicator and the hearing.

(5) If, after conducting a hearing concerned with section 2-42, the adjudicator concludes that the employer has breached section 2-42, the adjudicator may issue an order requiring the employer to do any or all of the following:

(a) to comply with section 2-42;

(b) subject to subsections (2) and (3), to pay any wages that the employee has lost as a result of the employer's failure to comply with section 2-42;

(c) to restore the employee to his or her former position;

(d) to post the order in the workplace;

(e) to do any other thing that the adjudicator considers reasonable and necessary in the circumstances.

2013, c.S-15.1, s.4-6; 2018, c35, s.2.

Written decisions

4-7(1) Subject to the regulations, an adjudicator shall deliver the written reasons for the decision required pursuant to clause 4-6(1)(b) within the following periods:

(a) with respect to an appeal or hearing pursuant to Part II, 60 days after the date the hearing of the appeal or the hearing is completed;

(b) with respect to an appeal pursuant to Part III:

(i) subject to subclause (ii), 60 days after the date the hearing of the appeal is completed; and

(ii) with respect to an appeal pursuant to section 3-54, the earlier of:

(A) one year after the date the adjudicator was selected; and

(B) 60 days after the date the hearing of the appeal is completed.

(2) Any party to a proceeding before an adjudicator may apply to the Court of Queen's Bench for an order directing the adjudicator to provide his or her decision if the deadline in subsection (1) has not been met.

(3) A failure to comply with subsection (1) does not affect the validity of a decision.

(4) As soon as is reasonably possible after receiving a decision, the board shall serve the decision on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

2013, c.S-15.1, s.4-7; 2016 c17 s7.

Right to appeal adjudicator's decision to board

4-8(1) An employer, employee or corporate director who is directly affected by a decision of an adjudicator on an appeal or hearing pursuant to Part II may appeal the decision to the board on a question of law.

(2) A person who is directly affected by a decision of an adjudicator on an appeal pursuant to Part III may appeal the decision to the board on a question of law.

(3) A person who intends to appeal pursuant to this section shall:

(a) file a notice of appeal with the board within 15 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

(4) The record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III, as the case may be;

(d) any exhibits filed before the adjudicator;

(e) the written decision of the adjudicator;

(f) the notice of appeal to the board;

(g) any other material that the board may require to properly consider the appeal.

(5) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order being appealed unless the board orders otherwise.

(6) The board may:

(a) affirm, amend or cancel the decision or order of the adjudicator; or

(b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board considers appropriate.

2013, c.S-15.1, s.4-8.

Appeal to Court of Appeal

4-9(1) With leave of a judge of the Court of Appeal, an appeal may be made to the Court of Appeal from a decision of the board pursuant to section 4-8 on a question of law.

(2) A person, including the director of employment standards or the director of occupational health and safety, intending to make an appeal to the Court of Appeal shall apply for leave to appeal within 15 business days after the date of service of the decision of the board.

(3) Unless a judge of the Court of Appeal orders otherwise, an appeal to the Court of Appeal does not stay the effect of the decision being appealed.

2013, c.S-15.1, s.4-9.

Right of director to appeal

4-10 The director of employment standards and the director of occupational health and safety have the right:

(a) to appear and make representations on:

(i) any appeal or hearing heard by an adjudicator; and

(ii) any appeal of an adjudicator's decision before the board or the Court of Appeal; and

(b) to appeal any decision of an adjudicator or the board.

2013, c.S-15.1, s.4-10.

Power to enforce orders and decisions

4-11(1) An order of an adjudicator, the board or the Court of Appeal pursuant to this Part may be enforced in the manner authorized by this Act.

(2) An order of an adjudicator or the board may be filed in the office of a local registrar of the Court of Queen's Bench and enforced as a judgment of that court.

2013, c.S-15.1, s.4-11.

Regulations for Part

4-12(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the duties of an adjudicator pursuant to clause 4-2(c);

(b) for the purposes of section 4-4, prescribing procedures for an appeal or hearing;

(c) for the purposes of section 4-7:

(i) respecting the decision of the adjudicator; and

(ii) prescribing procedures for service of the adjudicator's decision;

(d) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations; and

(e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

(2) If there is any conflict between the regulations made pursuant to this Part and any other provision of this Act or any other Act, regulations or law, the regulations made pursuant to this Part prevail.

2016 c 17 s8.

PART V
Radiation Health and Safety

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

5-1 In this Part:

(a) **"associated apparatus"** means any piece of diagnostic or therapeutic equipment using or associated with radiation that might be a mechanical or electrical hazard to any person;

(b) **"committee"** means the Radiation Health and Safety Committee continued pursuant to section 5-21;

(c) **"ionizing radiation"** means any atomic or subatomic particle or electromagnetic wave emitted or produced directly or indirectly by a machine or radioactive isotope and having sufficient kinetic or quantum energy to produce ionization;

(d) **"ionizing radiation equipment"** means a device capable of emitting ionizing radiation, but does not include:

(i) equipment operated at less than 15 kilovolts and not designed principally to produce useful radiation;

(ii) equipment that:

(A) is in storage, in transit or not being used; or

(B) is operated in a manner such that it cannot produce radiation;

(iii) any radioactive substance; or

(iv) any other prescribed equipment or category of equipment;

(e) **"ionizing radiation installation"** means the whole or any part of a building or other place in which ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that ionizing radiation equipment;

(f) **"non-ionizing radiation"** includes energy in the form of:

(i) electromagnetic waves in the frequency range below that for which ionization occurs; or

(ii) ultrasonic waves having frequencies greater than 10,000 hertz;

(g) **"non-ionizing radiation equipment"** means any equipment that is capable of emitting non-ionizing radiation;

(h) **"non-ionizing radiation installation"** means the whole or any part of a building or other place in which non-ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that non-ionizing radiation equipment;

(i) **"operator"** means a person who uses or controls the use of any radiation equipment;

(j) **"owner"** means a person having management and control of a radiation installation, radiation equipment or a radiation installation and radiation equipment;

(k) **"purchaser"** includes a lessee;

(l) **"radiation"** includes ionizing radiation and non-ionizing radiation;

(m) **"radiation equipment"** includes ionizing radiation equipment and non-ionizing radiation equipment;

(n) **"radiation health officer"** means a radiation health officer appointed pursuant to section 5-16;

(o) **"radiation installation"** includes ionizing radiation installations and non-ionizing radiation installations;

(p) **"radiation worker"** means a person who, in the course of the person's employment duties, business, professional activities, studies or training:

(i) is exposed to radiation; and

(ii) if exposure limits, exposure levels or dose limits are specified for members of the public, might receive radiation exposure in excess of those limits or levels;

(q) **"safety measures"** means measures designed for the purposes of safety in connection with the design and use of radiation installations, radiation equipment and associated apparatus;

(r) **"use"** includes construct, demonstrate, test, operate, handle, repair, service and maintain;

(s) **"vendor"** means a person who sells or leases or offers for sale or lease any radiation equipment or associated apparatus.

2013, c.S-15.1, s.5-1.

Responsibilities of minister re Part

5-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to radiation health and safety and to advancing and improving radiation health and safety in Saskatchewan.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting radiation health and safety;

(b) promote or conduct studies and research projects in connection with issues related to radiation health and safety;

(c) encourage or conduct educational programs, including seminars and courses of training, for promoting radiation health and safety;

(d) provide consulting services with respect to matters governed by this Part and the regulations made pursuant to this Part; and

(e) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.5-2.

DIVISION 2
Ionizing Radiation

Establishment and alteration of ionizing radiation installation, installation of ionizing radiation equipment

5-3(1) In this section and sections 5-4 and 5-7, **"substantial alteration"** includes:

(a) respecting any ionizing radiation equipment that emits a primary beam outside the housing of the equipment, any alteration or change of position that causes the equipment to be capable of emitting a primary beam in any direction other than the direction for which approval was granted when the plans for the installation were approved;

(b) any alteration in the shielding properties of the room or other place in which the ionizing radiation equipment is placed or installed;

(c) any increase in the maximum generating voltage or maximum beam current of ionizing radiation equipment in an installation; and

(d) the placement or installation of any units of ionizing radiation equipment in an ionizing radiation installation in excess of the number of units approved when the plans for the installation were approved.

(2) Unless a plan of the proposed installation or proposed alteration has been approved in writing by a radiation health officer, no person shall:

(a) establish or cause to be established an ionizing radiation installation for any purpose; or

(b) make or cause to be made any substantial alteration in any ionizing radiation installation.

(3) Subsection (2) does not apply to any prescribed ionizing radiation installation or prescribed substantial alteration.

(4) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (2) until the radiation health officer is satisfied that the ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

(5) No person shall use any mobile ionizing radiation equipment in any location other than one approved by a radiation health officer.

2013, c.S-15.1, s.5-3.

Statements required re ionizing radiation installations and equipment

5-4(1) Subject to subsection (2), within 25 business days after the day on which any ionizing radiation installation or ionizing radiation equipment comes under an owner's control or is substantially altered, the owner shall provide the minister with a statement setting out particulars of that installation, equipment or alteration, as the case may be.

(2) Every owner of any mobile ionizing radiation equipment shall:

(a) provide the minister with the statement mentioned in subsection (1) within the prescribed period; and

(b) if required by the minister to do so, provide the minister with an itinerary for the equipment containing any particulars that may be required by the minister within the prescribed period.

(3) On or before January 31 in each year, every owner shall provide the minister with a statement setting out particulars of all ionizing radiation installations and ionizing radiation equipment under the owner's control.

2013, c.S-15.1, s.5-4.

Manufacture and use of ionizing radiation equipment and associated apparatus

5-5(1) In this section, **"owner"** includes:

(a) a vendor until the vendor relinquishes control of ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and

(b) any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus.

(2) The owner of any ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner such that:

(i) no person will be unnecessarily exposed to ionizing radiation from that equipment or apparatus; and

(ii) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the prescribed dose limits.

(3) The operator of any ionizing radiation equipment or associated apparatus shall use or control the use of the equipment:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner that satisfies the requirements of clause (2)(b).

2013, c.S-15.1, s.5-5.

Qualifications for management, control or operation

5-6(1) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans unless the person:

(a) is qualified pursuant to an Act to provide persons with care and treatment by means of ionizing radiation equipment; or

(b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that each operator is:

(a) a duly qualified medical practitioner with specialized training in radiography;

(b) a chiropractor who is registered pursuant to *The Chiropractic Act, 1994*;

(c) a dentist, dental assistant, dental hygienist or dental therapist as defined in *The Dental Disciplines Act*;

(d) a medical radiation technologist who is registered pursuant to *The Medical Radiation Technologists Act, 2006*;

(e) subject to subsection (3), a combined laboratory and x-ray technician or technologist who possesses the qualifications necessary to become a registered, certified, active member in good standing of the Saskatchewan Association of Combined Laboratory and X-ray Technicians; or

(f) subject to subsection (3), a student who is under the direct supervision of a person who possesses the qualifications set out in clause (a), (b), (c), (d) or (e).

(3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that an operator who is:

(a) described in clause (2)(e) performs only examinations that he or she has been formally trained for; or

(b) a student mentioned in clause (2)(f) performs only examinations that are within the scope of the qualifications of the person supervising the student.

(4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person:

(a) is entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*; or

(b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is:

(a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*;

(b) a veterinary technologist within the meaning of *The Veterinarians Act, 1987*; or

(c) a student under the direct supervision of a person who possesses the qualifications set out in clause (a) or (b).

(6) No person shall manage or control an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals unless:

(a) the person:

(i) understands the procedures for which the equipment is to be used; and

(ii) possesses the knowledge necessary to adequately manage or control the installation or equipment and knowledge of the necessary safety procedures; or

(b) the person employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(7) An owner of an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals shall ensure that each operator:

(a) possesses any prescribed qualifications or meets any prescribed requirements; and

(b) is adequately supervised by a person who meets the requirements of clause (6)(a).

(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsection (2), (5) or (7).

2013, c.S-15.1, s.5-6.

DIVISION 3
Non-ionizing Radiation

Establishment and alteration of non-ionizing radiation installation

5-7(1) If the regulations made pursuant to this Part require the approval of plans for a non-ionizing radiation installation, no person shall establish or cause to be established a non-ionizing radiation installation or make or cause to be made any substantial alteration in any non-ionizing radiation installation until a plan of the proposed installation or proposed alteration, as the case may be, has been approved in writing by a radiation health officer.

(2) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (1) until the officer is satisfied that the non-ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

2013, c.S-15.1, s.5-7.

Statements required re equipment emitting non-ionizing radiation

5-8(1) Every owner of non-ionizing radiation equipment or a non-ionizing radiation installation shall, if required by the regulations made pursuant to this Part, provide the minister with a statement setting out any prescribed information about that equipment or installation.

(2) Every statement required pursuant to subsection (1) must be provided within the prescribed period.

2013, c.S-15.1, s.5-8.

Manufacture and use of non-ionizing radiation equipment and associated apparatus

5-9(1) In this section, **"owner"** includes:

(a) a vendor until the vendor relinquishes control of non-ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and

(b) any person who alters, repairs, services, maintains or tests non-ionizing radiation equipment or associated apparatus.

(2) The owner of any non-ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner such that the exposure of any person to non-ionizing radiation from that equipment or apparatus is limited in the prescribed manner and to the prescribed amounts.

(3) The operator of any non-ionizing radiation equipment or associated apparatus shall use or control the use of the equipment or apparatus:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner that satisfies the requirements of clause (2)(b).

2013, c.S-15.1, s.5-9.

Qualifications for management, control and use

5-10 No person shall manage or control, or use or control the use of, any non-ionizing radiation equipment or category of non-ionizing radiation equipment unless the person possesses the prescribed qualifications or meets the prescribed requirements.

2013, c.S-15.1, s.5-10.

DIVISION 4
Matters affecting Ionizing and Non-ionizing Radiation

Restrictions on use

5-11 No person shall use a radiation installation, radiation equipment or associated apparatus:

(a) that does not comply with the prescribed standards; or

(b) the use of which has been prohibited by a radiation health officer pursuant to clause 5-19(b).

2013, c.S-15.1, s.5-11.

Information required

5-12(1) If required to do so by the regulations made pursuant to this Part, the vendor of any radiation equipment or associated apparatus shall provide the minister with:

(a) any prescribed information respecting the equipment or apparatus or its use;

(b) the plans of the equipment or apparatus; or

(c) both the information and plans mentioned in clauses (a) and (b).

(2) The information and plans required pursuant to subsection (1) must be provided within the prescribed period.

2013, c.S-15.1, s.5-12.

Incidents or hazards

5-13 If required to do so by the regulations made pursuant to this Part, the vendor, owner or operator of any radiation equipment or associated apparatus shall notify the minister of any incident or hazard involving the equipment or apparatus, in the prescribed manner, within the prescribed period and with any prescribed particulars.

2013, c.S-15.1, s.5-13.

Records

5-14 Every owner of radiation equipment shall:

(a) keep any prescribed records respecting:

(i) the radiation equipment and its use;

(ii) the exposure of radiation workers to radiation; and

(iii) any other matter pertaining to radiation health and safety measures in relation to that equipment and to radiation workers; and

(b) produce the records mentioned in clause (a) on the request of a radiation health officer.

2013, c.S-15.1, s.5-14.

DIVISION 5
General

Use of certain fluoroscopes prohibited

5-15 No person shall use a fluoroscope as an aid in selling footwear to any person or have control of a fluoroscope intended for that use.

2013, c.S-15.1, s.5-15.

Radiation health officers, appointment and powers

5-16(1) The minister may appoint one or more employees of the ministry or categories of employees of the ministry as radiation health officers for the purposes of enforcing this Part and the regulations made pursuant to this Part.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

(3) The minister shall provide each radiation health officer with written credentials of the officer's appointment, and the radiation health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.5-16.

Inspections

5-17(1) Subject to subsection (4), a radiation health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

(a) preventing radiation incidents or illnesses;

(b) ascertaining the cause and particulars of a radiation incident or illness or of an event that had the potential to cause a radiation incident or illness;

(c) making an inquiry in response to a complaint concerning radiation exposure; or

(d) determining whether there is compliance with this Part or the regulations made pursuant to this Part.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the radiation health officer has reasonable grounds to believe that there is a radiation hazard.

(3) When conducting an inspection in accordance with subsection (1), a radiation health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and may make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to radiation health and safety;

(g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.

(4) A radiation health officer shall not enter a private dwelling without a warrant issued pursuant to section 5-18 unless the occupant of the dwelling consents to the entry.

(5) A radiation health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.5-17.

Investigations

5-18(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;

(d) carry out the activities listed in subsection (2).

(2) With a warrant issued pursuant to subsection (1), a radiation health officer may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the radiation health officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;

(e) remove, for the purpose of making copies, any records examined pursuant to this section;

(f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and

(h) seize and remove from any place or premises searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.

(3) Subject to subsection (4), a radiation health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) A radiation health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.5-18.

Powers of radiation health officer re repairs, alterations and servicing

5-19 If a radiation health officer finds a radiation installation, radiation equipment or associated apparatus that does not comply with this Part or the regulations made pursuant to this Part or that, in the officer's opinion, constitutes a hazard to any person, the officer may:

(a) require the owner to carry out any repairs, alterations or servicing that the officer may specify and within any time that the officer may direct; or

(b) prohibit the use of the installation, equipment or apparatus until:

(i) the repairs, alterations or servicing mentioned in clause (a) have been carried out;

(ii) an officer grants written permission; or

(iii) the repairs, alterations or servicing mentioned in clause (a) have been carried out and an officer grants written permission.

2013, c.S-15.1, s.5-19.

Services provided by minister

5-20 The minister may:

(a) provide consulting services with respect to:

(i) radiation installations;

(ii) radiation equipment;

(iii) radiation protection; and

(iv) safety measures; and

(b) provide special services, including instrument calibrations and leak testing of sealed radioactive sources.

2013, c.S-15.1, s.5-20.

Radiation Health and Safety Committee

5-21(1) Subject to subsection (2), the Radiation Health and Safety Committee is continued consisting of the following persons appointed by the minister:

(a) a diagnostic radiologist nominated by The College of Physicians and Surgeons of Saskatchewan;

(b) a radiation oncologist nominated by The College of Physicians and Surgeons of Saskatchewan;

(c) a duly qualified medical practitioner nominated by The College of Physicians and Surgeons of Saskatchewan who, by reason of his or her being a specialist in pathology or internal medicine, has extensive knowledge of and training in haematology;

(d) a dentist or dental surgeon nominated by the College of Dental Surgeons of Saskatchewan;

(e) a medical radiation technologist nominated by the Saskatchewan Association of Medical Radiation Technologists;

(f) a veterinarian nominated by the Saskatchewan Veterinary Medical Association;

(g) a physicist experienced in radiation physics;

(h) a person with expertise in uranium radiation protection issues;

(i) one or more persons selected by the minister;

(j) the employee of the ministry responsible for supervising the provision of the services mentioned in section 5-20; and

(k) one radiation health officer.

(2) The minister shall make reasonable efforts to appoint persons to the committee who are described in clauses (1)(a) to (h) but the absence of any of those persons does not impair the power of the other members of the committee to act.

(3) A member of the committee holds office until a successor is appointed.

(4) The committee shall:

(a) advise the minister with respect to radiation health generally, safety measures and recommended codes of practice to be issued by the minister to every owner, operator and other person in Saskatchewan who may be exposed to radiation concerning radiation health, safety measures and the operation and use of radiation equipment and the use of radioactive substances;

(b) promote an educational program among all owners, operators, radiation workers and other persons who may be exposed to radiation respecting radiation dangers and the protection, in accordance with the practices recommended by the committee, of the health of owners, operators, radiation workers and other persons who may be exposed to radiation;

(c) give general direction and professional advice to radiation health officers, including direction and advice with respect to the standards to be observed by officers in approving plans for establishing radiation installations;

(d) make recommendations respecting the acquisition, operation and use of radiation equipment and associated apparatus and the use of radioactive substances;

(e) advise the minister respecting the minimum age at which a person may be employed as a radiation worker in any occupation or category of occupations;

(f) advise the minister respecting conditions to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers; and

(g) deal with any other matters relating to radiation health that the minister may refer to it.

(5) Members of the committee are entitled to the following:

(a) except for those members of the committee who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the minister;

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

2013, c.S-15.1, s.5-21.

Application of radiation

5-22(1) Nothing in this Part or the regulations made pursuant to this Part limits the kind or quantity of radiation that may be intentionally applied to a person for diagnostic or therapeutic purposes by or under the direction of a person qualified pursuant to an Act to provide persons with care and treatment by means of radiation equipment.

(2) Notwithstanding subsection (1), every operator of radiation equipment shall cause adequate precautions to be taken to ensure that no person is unnecessarily exposed to radiation.

2013, c.S-15.1, s.5-22.

Offence and penalty

5-23(1) No person shall:

(a) fail to comply with an order or direction of a radiation health officer;

(b) fail to reasonably cooperate with a radiation health officer in the exercise of his or her powers or the performance of his or her duties; or

(c) contravene this Part or the regulations made pursuant to this Part.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $100,000 and, in the case of a continuing offence, to a further fine of not more than $15,000 for each day during which the offence continues.

2013, c.S-15.1, s.5-23.

Regulations for Part

5-24 The Lieutenant Governor in Council may make regulations:

(a) generally for preventing impairment of the health of radiation workers and other persons by radiation;

(b) respecting the minimum age at which a person may be a radiation worker in any particular occupation;

(c) prescribing standards to be maintained to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers;

(d) prescribing the standards to be maintained for safety purposes in connection with the operation and use of radiation equipment and associated apparatus;

(e) prescribing standards for the inspections to be made and other measures to be taken in connection with the operation and use of radiation equipment and associated apparatus;

(f) prescribing conditions under which radiation equipment may be installed or used;

(g) requiring the development and implementation of procedures manuals with respect to any radiation equipment or radiation installation;

(h) requiring the classification and labelling of radiation equipment;

(i) requiring the display of warning signs or other signs providing information about radiation health and safety;

(j) prescribing exposure rates and dose limits for ionizing radiation to which any person or category of persons may be exposed;

(k) providing for the monitoring and control of the exposure to or dose of radiation received by any person or category of persons;

(l) classifying non-ionizing radiation equipment and forms of non-ionizing radiation;

(m) prescribing exposure limits and exposure levels for any form of non-ionizing radiation to which any person or category of persons may be exposed;

(n) requiring records to be kept by owners, operators and vendors, prescribing the periods during which records are to be kept and prescribing the nature of information to be recorded and authorizing the minister to determine the form in which those records must be kept;

(o) exempting any radiation equipment or radiation installation, temporarily or permanently, from any or all of the provisions of this Part, conditionally or unconditionally;

(p) for the purposes of subsections 5-4(2) and (3) and sections 5-8, 5-12 and 5-13, prescribing periods within which statements, itineraries, notices, information, plans or other things mentioned in those sections must be provided or submitted;

(q) prescribing any matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(r) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.5-24.

Codes of practice

5-25(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the minister may, after any consultation with the committee and any other interested persons or associations that the minister considers advisable:

(a) issue any code of practice; and

(b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the minister shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the minister has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the minister is admissible in evidence in any court without proof of the signature, appointment or authority of the minister.

2013, c.S-15.1, s.5-25.

Transitional

5-26(1) In this section, **"former Act"** means *The Radiation Health and Safety Act, 1985* as that Act existed on the day before the coming into force of this section.

(2) A person who established his or her qualifications to a radiation health officer pursuant to clause 6(2)(h) of the former Act and who retained those qualifications until the day before the coming into force of this section remains qualified for the purpose of subsection 5-6(2) until a radiation health officer orders otherwise.

(3) All orders that were issued by a radiation health officer pursuant to subsection 16(5) of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(4) All codes of practice that were issued by the minister pursuant to section 18.1 of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(5) The members of the committee immediately before the coming into force of this section are continued as members of the committee until new appointments are made pursuant to this Part.

2013, c.S-15.1, s.5-26.

PART VI
Labour Relations

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

6-1(1) In this Part:

(a) **"bargaining unit"** means:

(i) a unit that is determined by the board as a unit appropriate for collective bargaining; or

(ii) if authorized pursuant to this Part, a unit comprised of employees of two or more employers that is determined by the board as a unit appropriate for collective bargaining;

(b) **"certification order"** means a board order issued pursuant to section 6-13 or clause 6-18(4)(e) that certifies a union as the bargaining agent for a bargaining unit;

(c) **"chairperson"** means the chairperson of the board appointed pursuant to subsection 6-93(2);

(d) **"collective agreement"** means a written agreement between an employer and a union that:

(i) sets out the terms and conditions of employment; or

(ii) contains provisions respecting rates of pay, hours of work or other working conditions of employees;

(e) **"collective bargaining"** means:

(i) negotiating in good faith with a view to the conclusion of a collective agreement or its renewal or revision;

(ii) putting the terms of an agreement in writing if those terms were arrived at in negotiations or are required to be inserted into a collective agreement by this Part;

(iii) executing a collective agreement by or on behalf of the parties; and

(iv) negotiating from time to time the settlement of disputes and grievances of employees covered by a collective agreement or represented by a union;

(f) **"collective bargaining order"** means a board order made pursuant to clause 6-104(2)(a);

(g) **"director of labour relations"** means the person appointed as director of labour relations pursuant to section 6-118;

(h) **"employee"** means:

(i) a person employed by an employer other than:

(A) a person whose primary responsibility is to exercise authority and perform functions that are of a managerial character; or

(B) a person whose primary duties include activities that are of a confidential nature in relation to any of the following and that have a direct impact on the bargaining unit the person would be included in as an employee but for this paragraph:

(I) labour relations;

(II) business strategic planning;

(III) policy advice;

(IV) budget implementation or planning;

(ii) a person engaged by another person to perform services if, in the opinion of the board, the relationship between those persons is such that the terms of the contract between them can be the subject of collective bargaining; and

(iii) any person designated by the board as an employee for the purposes of this Part notwithstanding that, for the purpose of determining whether or not the person to whom he or she provides services is vicariously liable for his or her acts or omissions, he or she may be held to be an independent contractor;

and includes:

(iv) a person on strike or locked out in a current labour-management dispute who has not secured permanent employment elsewhere; and

(v) a person dismissed from his or her employment whose dismissal is the subject of any proceedings before the board or subject to grievance or arbitration in accordance with Subdivision 3 of Division 9;

(i) **"employer"** means:

(i) an employer who customarily or actually employs three or more employees;

(ii) an employer who employs fewer than three employees if at least one of the employees is a member of a union that includes among its membership employees of more than one employer; or

(iii) with respect to any employees of a contractor who supplies the services of the employees for or on behalf of a principal pursuant to the terms of any contract entered into by the contractor or principal, the contractor or principal as the board may determine for the purposes of this Part;

(j) **"executive officer"** means the executive officer of the board mentioned in section 6-97;

(k) **"labour organization"** means an organization of employees who are not necessarily employees of one employer that has collective bargaining among its purposes;

(l) **"labour relations officer"** means a person appointed as a labour relations officer pursuant to subsection 6-119(1);

(m) **"lockout"** means one or more of the following actions taken by an employer for the purpose of compelling employees to agree to terms and conditions of employment:

(i) the closing of all or part of a place of employment;

(ii) a suspension of work;

(iii) a refusal to continue to employ employees;

(n) **"strike"** means any of the following actions taken by employees:

(i) a cessation of work or a refusal to work or to continue to work by employees acting in combination or in concert or in accordance with a common understanding;

(ii) any other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output or the effective delivery of services;

(o) **"supervisory employee"** means an employee whose primary function is to supervise employees and who exercises one or more of the following duties:

(i) independently assigning work to employees and monitoring the quality of work produced by employees;

(ii) assigning hours of work and overtime;

(iii) providing an assessment to be used for work appraisals or merit increases for employees;

(iv) recommending disciplining employees;

but does not include an employee who:

(v) is a gang leader, lead hand or team leader whose duties are ancillary to the work he or she performs;

(vi) acts as a supervisor on a temporary basis; or

(vii) is in a prescribed occupation;

(p) **"union"** means a labour organization or association of employees that:

(i) has as one of its purposes collective bargaining; and

(ii) is not dominated by an employer;

(q) **"unit"** means any group of employees of an employer or, if authorized pursuant to this Part, of two or more employers.

(2) Unless otherwise ordered by the board, an employer remains subject to a certification order, a collective agreement and the other provisions of this Part notwithstanding that the employer, at any time or from time to time, ceases to be an employer within the meaning of this Part.

(3) Subject to the regulations made pursuant to this Part, every provision of this Part conferring or imposing a right, duty or obligation on an employer applies, with any necessary modification, to the following persons:

(a) a representative employers' organization determined in accordance with Division 13;

(b) a designated employers' organization determined in accordance with Division 14.

(4) Subsection (3) is not to be construed as relieving employers who are members of a representative employers' organization or a designated employers' organization from complying with the obligations that are imposed on employers by this Part and that are not carried out by the organizations.

(5) Every provision of this Part imposing or conferring a right, duty or obligation on a union applies, with any necessary modification, to a council of unions determined in accordance with Division 13.

(6) Subsection (5) is not to be construed as relieving unions that are members of a council of unions from complying with the obligations that are imposed on unions by this Part and that are not carried out by the council of unions.

2013, c.S-15.1, s.6-1.

Responsibility and powers of minister re Part

6-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to labour relations.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) provide assistance to employers, employees, unions and other persons to understand the rights and obligations created by this Part by providing seminars, developing informational material and answering questions relating to those rights and obligations; and

(b) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

(3) Without restricting the generality of subsection (2), the minister may appoint one or more persons to perform duties specified by the minister in connection with a labour-management dispute for the purpose of helping to resolve that dispute, whether or not that dispute is regulated by the provisions of this Part.

2013, c.S-15.1, s.6-2.

Capacity of unions

6-3 For the purposes of this Act, every union is deemed to be a person.

2013, c.S-15.1, s.6-3.

DIVISION 2
Rights, Duties, Obligations and Prohibitions

Right to form and join a union and to be a member of a union

6-4(1) Employees have the right to organize in and to form, join or assist unions and to engage in collective bargaining through a union of their own choosing.

(2) No employee shall unreasonably be denied membership in a union.

2013, c.S-15.1, s.6-4.

Coercion and intimidation prohibited

6-5 No person shall use coercion or intimidation of any kind that could reasonably have the effect of compelling or inducing a person to become or to refrain from becoming or to continue to be or to cease to be a member of a union.

2013, c.S-15.1, s.6-5.

Certain actions against employees prohibited

6-6(1) No person shall do any of the things mentioned in subsection (2) against another person:

(a) because of a belief that the other person may testify in a proceeding pursuant to this Part;

(b) because the person has made or is about to make a disclosure that may be required of the person in a proceeding pursuant to this Part;

(c) because the person has made an application, filed a complaint or otherwise exercised a right conferred pursuant to this Part; or

(d) because the person has participated or is about to participate in a proceeding pursuant to this Part.

(2) In the circumstances mentioned in subsection (1), no person shall do any of the following:

(a) refuse to employ or refuse to continue to employ a person;

(b) threaten termination of employment or otherwise threaten a person;

(c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a union;

(d) intimidate or coerce or impose a pecuniary or other penalty on a person.

2013, c.S-15.1, s.6-6.

Good faith bargaining

6-7 Every union and employer shall, in good faith, engage in collective bargaining in the time and in the manner required pursuant to this Part or by an order of the board.

2013, c.S-15.1, s.6-7.

Board order re religious objections

6-8(1) Subject to subsection (2), the board may, by order, exclude an employee from a bargaining unit if the board is satisfied that the employee objects to joining or belonging to a union or to paying dues and assessments to a union as a matter of conscience based on religious training or belief.

(2) An employee excluded from a bargaining unit in accordance with subsection (1) shall pay an amount equal to any union dues and other assessments to a charitable organization registered in Canada pursuant to Part I of the *Income Tax Act* (Canada) that:

(a) is agreed on by the employee and the union; or

(b) if no agreement is made pursuant to clause (a), is designated by the board.

2013, c.S-15.1, s.6-8.

DIVISION 3
Acquisition and Termination of Bargaining Rights

Acquisition of bargaining rights

6-9(1) A union may, at any time, apply to the board to be certified as bargaining agent for a unit of employees appropriate for collective bargaining if a certification order has not been issued for all or a portion of that unit.

(2) When applying pursuant to subsection (1), a union shall:

(a) establish that 45% or more of the employees in the unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and

(b) file with the board evidence of each employee's support that meets the prescribed requirements.

2013, c.S-15.1, s.6-9.

Change in union representation

6-10(1) If a union has been certified as the bargaining agent for a bargaining unit, another union may apply to the board to be certified as bargaining agent:

(a) for the bargaining unit; or

(b) for a portion of the bargaining unit:

(i) if the applicant union establishes to the satisfaction of the board that the portion of the bargaining unit that is the subject of the application should be separately certified as a unit appropriate for collective bargaining; or

(ii) if the applicant union is certified as the bargaining agent in another bargaining unit with the same employer or, in circumstances addressed in Division 14, with two or more health sector employers as defined in section 6-82 and the applicant union establishes to the satisfaction of the board that the portion of the bargaining unit that is the subject of the application should be moved into the other bargaining unit.

(2) When making an application pursuant to subsection (1), a union shall:

(a) establish that:

(i) for an application made in accordance with clause (1)(a), 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; or

(ii) for an application made in accordance with clause (1)(b), 45% or more of the employees in the unit of employees proposed to be established or proposed to be moved from one bargaining unit to another have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and

(b) file with the board evidence of each employee's support that meets the prescribed requirements.

(3) Subject to subsection (4), an application pursuant to subsection (1) must be made not less than 60 days and not more than 120 days before:

(a) the anniversary date of the effective date of the collective agreement; or

(b) if a collective agreement has not been concluded, the anniversary date of the certification order.

(4) With respect to an application made pursuant to subclause (1)(b)(ii), the application must be made not less than 60 days and not more than 120 days before:

(a) the anniversary date of the effective date of any of the collective agreements with an employer mentioned in that subclause; or

(b) the anniversary date of the effective date of any of the certification orders governing an employer mentioned in that subclause.

2013, c.S-15.1, s.6-10.

Determination of bargaining unit

6-11(1) If a union applies for certification as the bargaining agent for a unit or a portion of a bargaining unit or to move a portion of one bargaining unit to another bargaining unit, the board shall determine:

(a) if the unit of employees is appropriate for collective bargaining; or

(b) in the case of an application to move a portion of one bargaining unit to another bargaining unit, if the portion of the unit should be moved.

(2) In making the determination required pursuant to subsection (1), the board may include or exclude persons in the unit proposed by the union.

(3) Subject to subsections (4) to (6), the board shall not include in a bargaining unit any supervisory employees.

(4) Subsection (3) does not apply if:

(a) the employer and union make an irrevocable election to allow the supervisory employees to be in the bargaining unit; or

(b) the bargaining unit determined by the board is a bargaining unit comprised of supervisory employees.

(5) An employee who is or may become a supervisory employee:

(a) continues to be a member of a bargaining unit until excluded by the board or an agreement between the employer and the union; and

(b) is entitled to all the rights and shall fulfil all of the responsibilities of a member of the bargaining unit.

(6) Subsections (3) to (5) apply only on and after two years after the date on which subsection (3) comes into force.

(7) In making the determination required by subsection (1) as it relates to the construction industry within the meaning of Division 13, the board shall:

(a) make no presumption that a craft unit is the more suitable unit appropriate for collective bargaining; and

(b) determine the bargaining unit by reference to whatever factors the board considers relevant to the application, including:

(i) the geographical jurisdiction of the union making the application; and

(ii) whether the certification order should be confined to a particular project.

2013, c.S-15.1, s.6-11.

Representation vote

6-12(1) Before issuing a certification order on an application made in accordance with section 6-9 or amending an existing certification order on an application made in accordance with section 6-10, the board shall direct a vote of all employees eligible to vote to determine whether the union should be certified as the bargaining agent for the proposed bargaining unit.

(2) Notwithstanding that a union has not established the level of support required by subsection 6-9(2) or 6-10(2), the board shall make an order directing a vote to be taken to determine whether a certification order should be issued or amended if:

(a) the board finds that the employer or a person acting on behalf of the employer has committed an unfair labour practice or has otherwise contravened this Part;

(b) there is insufficient evidence before the board to establish that 45% or more of the employees in the proposed bargaining unit support the application; and

(c) the board finds that sufficient evidence of support mentioned in clause (b) would have been obtained but for the unfair labour practice or contravention of this Part.

(3) Notwithstanding subsection (1), the board may refuse to direct the vote if the board has, within the 12 months preceding the date of the application, directed a vote of employees in the same unit or a substantially similar unit on the application of the same union.

2013, c.S-15.1, s.6-12.

Certification order

6-13(1) If, after a vote is taken in accordance with section 6-12, the board is satisfied that a majority of votes that are cast favour certification of the union as the bargaining agent for a unit of employees, the board shall issue an order:

(a) certifying the union as the bargaining agent for that unit; and

(b) if the application is made pursuant to subclause 6-10(1)(b)(ii), moving a portion of one bargaining unit into another bargaining unit.

(2) If a union is certified as the bargaining agent for a bargaining unit:

(a) the union has exclusive authority to engage in collective bargaining for the employees in the bargaining unit and to bind it by a collective agreement until the order certifying the union is cancelled; and

(b) if a collective agreement binding on the employees in the bargaining unit is in force at the date of certification, the agreement remains in force and shall be administered by the union that has been certified as the bargaining agent for the bargaining unit.

2013, c.S-15.1, s.6-13.

Application to cancel certification order – union ceases to be a union

6-14(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order on the grounds that the union named in the certification order is no longer a union within the meaning of clause 6-1(1)(p) or that the union no longer exists.

(2) On an application pursuant to subsection (1), the board shall cancel the certification order if the board concludes that the union named in the certification order is no longer a union within the meaning of clause 6-1(1)(p) or that the union no longer exists.

2013, c.S-15.1, s.6-14.

Application to cancel certification order – unfair labour practice

6-15(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order on the grounds that the union or any person acting on behalf of the union engaged in an unfair labour practice or otherwise contravened this Part before the certification order was issued.

(2) If the board is satisfied that the certification order would not have been granted but for the unfair labour practice or other contravention of this Part, the board shall direct that a vote be taken of the employees in the bargaining unit.

(3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour cancelling the certification order, the board shall cancel the certification order.

2013, c.S-15.1, s.6-15.

Application to cancel certification order – abandonment

6-16(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order if the union has been inactive in promoting and enforcing its bargaining rights for a period of three years or more.

(2) The board shall cancel the certification order if the board is satisfied that the union has been inactive in promoting and enforcing its bargaining rights in the period mentioned in subsection (1).

2013, c.S-15.1, s.6-16.

Application to cancel certification order – loss of support

6-17(1) An employee within a bargaining unit may apply to the board to cancel a certification order if the employee:

(a) establishes that 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated support for removing the union as bargaining agent; and

(b) files with the board evidence of each employee's support that meets the prescribed requirements.

(2) On receipt of an application pursuant to subsection (1), the board shall direct that a vote be taken of the employees in the bargaining unit.

(3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour removing the union as bargaining agent, the board shall cancel the certification order.

(4) An application must not be made pursuant to this section:

(a) during the two years following the issuance of the first certification order; or

(b) during the 12 months following a refusal pursuant to this section to cancel the certification order.

2013, c.S-15.1, s.6-17.

DIVISION 4
Successor Rights and Obligations

Transfer of obligations

6-18(1) In this Division, **"disposal"** means a sale, lease, transfer or other disposition.

(2) Unless the board orders otherwise, if a business or part of a business is disposed of:

(a) the person acquiring the business or part of the business is bound by all board orders and all proceedings had and taken before the board before the acquisition; and

(b) the board orders and proceedings mentioned in clause (a) continue as if the business or part of the business had not been disposed of.

(3) Without limiting the generality of subsection (2) and unless the board orders otherwise:

(a) if before the disposal a union was determined by a board order to be the bargaining agent of any of the employees affected by the disposal, the board order is deemed to apply to the person acquiring the business or part of the business to the same extent as if the order had originally applied to that person; and

(b) if any collective agreement affecting any employees affected by the disposal was in force at the time of the disposal, the terms of that collective agreement are deemed to apply to the person acquiring the business or part of the business to the same extent as if the collective agreement had been signed by that person.

(4) On the application of any union, employer or employee directly affected by a disposal, the board may make orders doing any of the following:

(a) determining whether the disposal or proposed disposal relates to a business or part of a business;

(b) determining whether, on the completion of the disposal of a business or part of the business, the employees constitute one or more units appropriate for collective bargaining;

(c) determining what union, if any, represents the employees in the bargaining unit;

(d) directing that a vote be taken of all employees eligible to vote;

(e) issuing a certification order;

(f) amending, to the extent that the board considers necessary or advisable:

(i) a certification order or a collective bargaining order; or

(ii) the description of a bargaining unit contained in a collective agreement;

(g) giving any directions that the board considers necessary or advisable as to the application of a collective agreement affecting the employees in the bargaining unit referred to in the certification order.

(5) Section 6-13 applies, with any necessary modification, to a certification order issued pursuant to clause (4)(e).

2013, c.S-15.1, s.6-18.

Effect of business becoming subject to Saskatchewan laws

6-19 Unless the board otherwise orders, if collective bargaining relating to a business is governed by the laws of Canada, and the business or part of the business becomes subject to the laws of Saskatchewan:

(a) section 6-18 applies, with any necessary modification, to any collective agreement and to the parties to the collective agreement that were governed by the laws of Canada; and

(b) the person owning or acquiring the business or part of the business is bound by any collective agreement in force when the business or part of the business becomes subject to the laws of Saskatchewan.

2013, c.S-15.1, s.6-19.

Board may declare related businesses to be one employer

6-20(1) On the application of any union or employer affected, the board may, by order, declare more than one corporation, partnership, individual or association to be one employer for the purposes of this Part if, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by one person through the different corporations, partnerships, individuals or associations.

(2) Subsection (1) applies only to corporations, partnerships, individuals or associations that have common control or direction on or after October 28, 1994.

2013, c.S-15.1, s.6-20.

Successor union

6-21(1) Unless the board orders otherwise, no board order, collective agreement or proceeding had or taken pursuant to this Part is rendered void, terminated, abrogated or curtailed in any way by reason only of:

(a) a change in the name of a union;

(b) the amalgamation, merger or affiliation of a union or any part of any union with another union; or

(c) the transfer or assignment by a union of its rights or any of its rights under or with respect to any board order, agreement or proceeding to another union.

(2) Unless the board orders otherwise, if a union, as a result of an amalgamation, merger or affiliation with another union, has changed its name, all board orders, agreements and proceedings pursuant to this Part and all records relating to the union, on and after the effective date of the amalgamation, merger or affiliation and without any board order, are deemed to be amended by the substitution of the new name of the union for the former name wherever it appears.

(3) Unless the board orders otherwise, notwithstanding the change of name, amalgamation, merger, affiliation, transfer or assignment mentioned in subsection (1) or (2), all board orders, agreements and proceedings pursuant to this Part:

(a) inure to the benefit of the successor, transferee or assignee, as the case may be; and

(b) apply to all persons affected by the board orders, agreements and proceedings pursuant to this Part.

2013, c.S-15.1, s.6-21.

DIVISION 5
Votes

Votes by secret ballot

6-22(1) All votes required pursuant to this Part or directed to be taken by the board must be by secret ballot.

(2) A vote by secret ballot is not required among employees in a bargaining unit consisting of two employees or fewer.

(3) An employee who has voted at a vote taken pursuant to this Part is not competent or compellable to give evidence before the board or in any court proceedings as to how the vote was cast.

(4) The results of the vote mentioned in subsection (1), including the number of ballots cast and the votes for, against or spoiled, must be made available to the employees who were entitled to vote.

2013, c.S-15.1, s.6-22.

Voting requirements

6-23 On the application of the affected union or an affected employee or on its own motion, the board may:

(a) require that a vote required pursuant to this Part, or directed to be taken by the board, be supervised, conducted or scrutinized by the board or a person appointed by the board;

(b) establish the manner and time in which the vote is required to be conducted and when and how notice of the vote must be provided to those entitled to vote;

(c) determine, by order, by board regulation or both, general eligibility requirements as to who is entitled to vote;

(d) determine whether a person:

(i) satisfies the eligibility requirements; and

(ii) is an employee or is an employee entitled to vote; and

(e) require that the employer and the union give all eligible employees an opportunity to vote.

2013, c.S-15.1, s.6-23.

DIVISION 6
Collective Bargaining

Commencing collective bargaining – first agreement

6-24 Authorized representatives of the union and the employer shall:

(a) meet within 20 days after the board issues a certification order or any other period that the parties agree on; and

(b) commence collective bargaining with a view to concluding a collective agreement.

2013, c.S-15.1, s.6-24.

Assistance re first collective agreement

6-25(1) The employer or the union may apply to the board for assistance in the conclusion of a first collective agreement, and the board may provide assistance pursuant to subsection (6), if:

(a) the board has issued a certification order or a collective bargaining order;

(b) the union and the employer have engaged in collective bargaining and have failed to conclude a first collective agreement; and

(c) one or more of the following circumstances exist:

(i) the union has taken a strike vote and the majority of those employees who voted have voted for a strike;

(ii) the employer has declared a lockout;

(iii) the board has made a determination pursuant to clause 6-62(1)(d) or 6-63(1)(c) and, in the opinion of the board, it is appropriate to assist the parties in the conclusion of a first collective agreement;

(iv) 90 days or more have passed since the board made the certification order.

(2) If an application is made pursuant to subsection (1):

(a) an employee shall not strike or continue to strike and the union shall not declare, authorize or counsel a strike; and

(b) the employer shall not lock out or continue to lock out the employees.

(3) An application pursuant to subsection (1) must include a list of the disputed issues and a statement of the position of the applicant on those issues, including the applicant's last offer on those issues.

(4) All materials filed with the board in support of an application pursuant to subsection (1) must be served on the other party within 24 hours after filing the application with the board.

(5) Within 14 days after receiving the information mentioned in subsection (4), the other party shall:

(a) file with the board a list of the disputed issues and a statement of the position of that party on those issues, including that party's last offer on those issues; and

(b) serve on the applicant a copy of the list and statement.

(6) On receipt of an application pursuant to subsection (1):

(a) the board may require the parties to request the minister to appoint a labour relations officer or special mediator to mediate the dispute or establish a conciliation board pursuant to section 6-29; and

(b) if a period of 120 days has elapsed since the appointment of the labour relations officer or special mediator or the establishment of a conciliation board pursuant to clause (a), the board may do any of the following:

(i) conclude, within 45 days after the date of the order, any term or terms of the first collective agreement between the parties;

(ii) order arbitration by a single arbitrator to conclude, within 45 days after the date of the order, any term or terms of the first collective agreement.

(7) Before concluding any term or terms of a first collective agreement, the board or a single arbitrator may hear:

(a) evidence adduced relating to the parties' positions on disputed issues; and

(b) argument by the parties or their counsel or agent.

2013, c.S-15.1, s.6-25.

Commencing collective bargaining – renewal or revision

6-26(1) Before the expiry of a collective agreement, either party to the collective agreement may give notice in writing to the other party within the period set out in subsection (2) to negotiate a renewal or revision of the collective agreement or a new collective agreement.

(2) A written notice pursuant to subsection (1) must be given not less than 60 days nor more than 120 days before the expiry date of the collective agreement.

(3) If a written notice is given pursuant to subsection (1), the parties shall immediately engage in collective bargaining with a view to concluding a renewal or revision of a collective agreement or a new collective agreement.

2013, c.S-15.1, s.6-26.

DIVISION 7
Assistance in Bargaining

Appointment of labour relations officer

6-27 On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may require the director of labour relations to appoint a labour relations officer to investigate, mediate and report to the minister on the labour-management dispute.

2013, c.S-15.1, s.6-27.

Special mediator

6-28(1) On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may do all or any of the following:

(a) appoint a person as a special mediator to investigate, mediate and report to the minister on any labour-management dispute;

(b) establish any terms of reference that the minister considers necessary with respect to any of the following:

(i) the remuneration to be paid to the special mediator;

(ii) the procedures to be followed by the special mediator;

(iii) the publication of any reports submitted by the special mediator;

(c) replace the special mediator or terminate the appointment of the special mediator.

(2) A special mediator appointed by the minister pursuant to subsection (1):

(a) has the powers of a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*; and

(b) is not bound by the rules of evidence, but may receive and accept any evidence that the special mediator considers appropriate.

2013, c.S-15.1, s.6-28; 2014, c.27, s.6.

Conciliation board

6-29(1) On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may establish a conciliation board to investigate, conciliate and report to the minister on the labour-management dispute.

(2) In establishing a conciliation board, the minister may determine the following:

(a) how conciliation board members are to be selected;

(b) the terms of reference for the conciliation board;

(c) the procedure the conciliation board is to follow when engaged in its activities;

(d) the remuneration to be paid to conciliation board members;

(e) whether the conciliation board is to provide a report to the parties or only to the minister and, if the report is to be provided only to the minister, whether the minister will publicly release the report.

(3) The minister shall designate one member of a conciliation board as chairperson.

(4) The chairperson of the conciliation board:

(a) has the powers of a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*; and

(b) is not bound by the rules of evidence, but may receive and accept any evidence that the chairperson considers appropriate.

2013, c.S-15.1, s.6-29; 2015, c.27, s.7.

DIVISION 8
Strikes and Lockouts

Lockouts and strikes prohibited during term of collective agreement

6-30(1) No employer bound by a collective agreement shall declare a lockout of employees bound by the collective agreement during the term of a collective agreement.

(2) No employee or union bound by a collective agreement shall, during the term of a collective agreement:

(a) counsel a strike against the employer bound by the collective agreement; or

(b) declare, authorize or participate in a strike against the employer bound by the collective agreement.

2013, c.S-15.1, s.6-30.

Bargaining required before strike vote or lockout

6-31 No union shall take a vote on the question of whether to strike and no employer shall declare a lockout before the union and the employer or their authorized representatives have engaged in collective bargaining in accordance with this Part.

2013, c.S-15.1, s.6-31.

Strike vote required

6-32 No union shall declare or authorize a strike and no employee shall strike before a vote has been taken by the employees in the bargaining unit affected and the majority of those employees who vote have voted for a strike.

2013, c.S-15.1, s.6-32.

Notice of impasse and mediation or conciliation required before strike or lockout

6-33(1) If, in the opinion of an employer or a union, collective bargaining to conclude a collective agreement has reached a point where agreement cannot be achieved, the employer or union shall serve a written notice on the minister and the other party that an impasse has been reached.

(2) The written notice mentioned in subsection (1) must set out the essential services, if any, that, in the opinion of the party providing the notice, must be maintained in the event of a strike or lockout.

(3) Within three days after receiving the notice mentioned in subsection (1), the other party that received the written notice shall serve a written notice on the minister and the other party setting out the essential services that, in that party's opinion, must be maintained in the event of a strike or lockout.

(4) As soon as possible after receipt of a written notice pursuant to subsection (1), the minister shall appoint a labour relations officer or a special mediator, or establish a conciliation board, to mediate or conciliate the dispute.

(5) Subject to subsection (6), the labour relations officer, special mediator or conciliation board shall give a report, recommendation or decision to the minister and the parties within 60 days after the date of his, her or its appointment.

(6) The parties may agree to extend the time set pursuant to subsection (5) for giving a report, recommendation or decision.

(7) No strike is to be commenced and no lockout is to be declared:

(a) unless a labour relations officer or special mediator is appointed or a conciliation board is established pursuant to subsection (4);

(b) unless:

(i) the labour relations officer, special mediator or conciliation board has informed the minister and the parties that the labour relations officer, special mediator or conciliation board does not intend to recommend terms of settlement; or

(ii) the labour relations officer, special mediator or conciliation board has informed the minister that the parties have not accepted the recommended terms of settlement by the date set by the labour relations officer, special mediator or conciliation board;

(c) unless the labour relations officer, special mediator or conciliation board has informed the minister and the parties in a report that the dispute has not been settled; and

(d) until:

(i) in the case where no essential services are identified by the parties or there is an essential services agreement in effect between the parties, the expiry of 14 days after the date on which the labour relations officer, special mediator or conciliation board has informed the minister pursuant to clause (c); or

(ii) in the case where essential services are identified by either party and there is no essential services agreement in effect between the parties, the expiry of seven days after the date on which the labour relations officer, special mediator or conciliation board has informed the minister pursuant to clause (c).

(8) If it appears to the labour relations officer, special mediator or conciliation board that settlement of the dispute is unlikely before a strike or lockout, the labour relations officer, special mediator or conciliation board shall discuss with the union and the employer whether it is necessary to establish a shutdown protocol that preserves the plant, equipment and any perishable items.

(9) In this section, **"essential services agreement"** means an essential services agreement as defined in Part VII.

2013, c.S-15.1, s.6-33; 2015, c.31, s.5.

Notice re strikes or lockouts

6-34 No strike is to be commenced and no lockout is to be declared unless the union or employer:

(a) gives the other party at least 48 hours' written notice of the date and time that the strike or lockout will commence; and

(b) promptly, after service of the notice, notifies the minister of the date and time that the strike or lockout will commence.

2013, c.S-15.1, s.6-34.

Vote on employer's last offer

6-35(1) At any time after the parties have engaged in collective bargaining, any of the following may apply to the board to conduct a vote among the employees in the bargaining unit to determine whether a majority of employees voting are in favour of accepting the employer's last offer:

(a) the union;

(b) the employer;

(c) any employees of the employer in the bargaining unit if those employees represent at least 45% of the bargaining unit or 100 employees, whichever is less.

(2) On receipt of an application pursuant to this section, the board shall direct that a vote be taken.

(3) Only one vote with respect to the same dispute may be held pursuant to this section.

(4) On the recommendation of a labour relations officer, a special mediator or a conciliation board or if the minister considers it to be in the public interest, the minister may require the board to order a vote on the employer's last offer.

(5) A vote required in accordance with subsection (4) may be in addition to a vote taken on an application pursuant to subsection (1).

(6) If a majority of votes cast favour acceptance of the employer's last offer:

(a) a collective agreement is thereby concluded between the parties; and

(b) the collective agreement is to consist of the terms voted on and any other matters agreed to by the union and the employer.

2013, c.S-15.1, s.6-35.

Benefits during strike or lockout

6-36(1) In this section, **"benefit plan"** means a medical, dental, disability or life insurance plan or other similar plan.

(2) During a strike or lockout, the union representing striking or locked-out employees in a bargaining unit may tender payments to the employer, or to a person who was, before the strike or lockout, obliged to receive the payment:

(a) in amounts sufficient to continue the employees' membership in a benefit plan; and

(b) on or before the regular due dates of those payments.

(3) The employer or other person mentioned in subsection (2) shall accept any payment tendered by the union in accordance with subsection (2).

(4) No person shall cancel or threaten to cancel an employee's membership in a benefit plan if the union tenders payment in accordance with subsection (2).

(5) On the request of the union, the employer shall provide the union with any information required to enable the union to make the payments mentioned in subsection (2).

2013, c.S-15.1, s.6-36.

Reinstatement of employees after strike or lockout

6-37(1) Following the conclusion of a strike or lockout, if an employer and a union have not reached an agreement for reinstating striking or locked-out employees, the employer shall reinstate striking or locked-out employees in accordance with this section.

(2) Subject to subsection (3), an employer shall reinstate each striking or locked-out employee to the position that the employee held when the strike or lockout began.

(3) If there is not sufficient work for all striking or locked-out employees after the conclusion of a strike or lockout, the employer shall:

(a) reinstate striking or locked-out employees:

(i) in accordance with any provisions in the collective agreement respecting recall based on seniority as defined in the collective agreement in force in that bargaining unit; or

(ii) if there are no provisions in the collective agreement respecting recall based on seniority, in accordance with each employee's length of service, as determined when the strike or lockout began, in relation to the length of service of other employees in the bargaining unit who were employed when the strike or lockout began; and

(b) provide to striking or locked-out employees who are not reinstated notice of layoff or pay instead of notice:

(i) in accordance with the collective agreement;

(ii) in accordance with a back-to-work protocol agreed to by the employer and the union, notwithstanding Subdivision 12 of Division 2 of Part II; or

(iii) if there is no back-to-work protocol or collective agreement in force, in accordance with Subdivision 12 of Division 2 of Part II.

(4) Striking or locked-out employees are entitled to displace any persons who were hired to perform the work of striking or locked-out employees during the strike or lockout.

(5) An employer is not in contravention of subsection (2) or (3) if:

(a) the employer claims that the employee has been terminated for a cause for which the employee might have been discharged; and

(b) either:

(i) the termination has not been grieved; or

(ii) if the termination has been grieved, the grievance process has not resulted in the reinstatement of the employee.

(6) Notwithstanding any provision in a collective agreement, the time worked by an employee during a strike or lockout does not constitute accrued service for the purposes of computing seniority unless the employee was working with the consent of the union.

2013, c.S-15.1, s.6-37.

DIVISION 9
Collective Agreements

Subdivision 1
Ratification of and Length of Collective Agreements

Ratification vote

6-38(1) If a ratification vote is required by one or both of the parties to confirm the acceptance of a collective agreement, no union or employer shall fail to:

(a) commence the process of conducting the vote within 14 days after the date on which the collective agreement was reached; and

(b) conclude the vote mentioned in clause (a) within 60 days after the date on which the collective agreement was reached.

(2) All members of the union who are in the bargaining unit affected by the collective agreement mentioned in subsection (1) are entitled to vote in the ratification vote.

2013, c.S-15.1, s.6-38.

Period for which collective agreements remain in force

6-39(1) Except as provided in this Subdivision, every collective agreement remains in force:

(a) for the term provided for in the collective agreement; and

(b) after the expiry of the term mentioned in clause (a), from year to year.

(2) Subject to subsection (3) and section 6-40, a collective agreement is deemed to have a term of one year after the date on which it becomes effective if the collective agreement:

(a) does not provide for a term;

(b) provides for an unspecified term; or

(c) provides for a term of less than one year.

(3) The term of a collective agreement concluded pursuant to section 6-25 is:

(a) two years after the date on which it becomes effective; or

(b) any longer term that the parties agree on.

2013, c.S-15.1, s.6-39.

Authority of board to vary expiry dates in certain circumstances

6-40(1) This section applies if:

(a) a union is, by its locals, councils or otherwise, a party to two or more collective agreements affecting employees employed by the same employer in two or more plants or establishments; and

(b) the expiry dates of the collective agreements mentioned in clause (a) are not the same.

(2) Notwithstanding section 6-39, the board may, by order, fix a date as the expiry date of all the collective agreements if:

(a) the board receives an application to do so from the union or the employer; and

(b) in the opinion of the board, having regard to the interests of all parties that might be affected, it is appropriate to make the order.

2013, c.S-15.1, s.6-40.

Subdivision 2
General Matters

Parties bound by collective agreement

6-41(1) A collective agreement is binding on:

(a) a union that:

(i) has entered into it; or

(ii) becomes subject to it in accordance with this Part;

(b) every employee of an employer mentioned in clause (c) who is included in or affected by it; and

(c) an employer who has entered into it.

(2) A person bound by a collective agreement, whether entered into before or after the coming into force of this Part, must, in accordance with the provisions of the collective agreement:

(a) do everything the person is required to do; and

(b) refrain from doing anything the person is required to refrain from doing.

(3) A failure to meet a requirement of subsection (2) is a contravention of this Part.

(4) If an agreement is reached as the result of collective bargaining, both parties shall execute it.

(5) Nothing in this section requires or authorizes a person to do anything that conflicts with a requirement of this Part.

(6) If there is any conflict between a provision of a collective agreement and a requirement of this Part, the requirement of this Part prevails.

2013, c.S-15.1, s.6-41.

Union security clause

6-42(1) On the request of a union representing employees in a bargaining unit, the following clause must be included in any collective agreement entered into between that union and the employer concerned:

"1. Every employee who is now or later becomes a member of the union shall maintain membership in the union as a condition of the employee's employment.

"2. Every new employee shall, within 30 days after the commencement of the employee's employment, apply for and maintain membership in the union, and maintain membership in the union as a condition of the employee's employment.

"3. Notwithstanding paragraphs 1 and 2, any employee in the bargaining unit who is not required to maintain membership or apply for and maintain membership in the union shall, as a condition of the employee's employment, tender to the union the periodic dues uniformly required to be paid by the members of the union".

(2) Whether or not any collective agreement is in force, the clause mentioned in subsection (1) is effective and its terms must be carried out by that employer with respect to the employees on and after the date of the union's request until the employer is no longer required by this Part to engage in collective bargaining with that union.

(3) In the clause mentioned in subsection (1), **"the union"** means the union making the request.

(4) Failure on the part of any employer to carry out the provisions of subsections (1) and (2) is an unfair labour practice.

(5) Subsection (6) applies if:

(a) membership in a union is a condition of employment; and

(b) either:

(i) membership in the union is not available to an employee on the same terms and conditions generally applicable to other members; or

(ii) an employee is denied membership in the union or the employee's membership is terminated for reasons other than the failure of the employee to tender the periodic dues, assessments and initiation fees uniformly required to be paid by all other members of the union as a condition of acquiring or maintaining membership.

(6) In the circumstances mentioned in subsection (5), if the employee tenders payment of the periodic dues, assessments and initiation fees uniformly required as a condition of acquiring and maintaining membership, the employee:

(a) is deemed to maintain membership in the union for the purposes of this section; and

(b) shall not lose membership in the union for the purposes of this section for failure to pay any dues, assessments and initiation fees that are not uniformly required of all members or that in their application discriminate against any member or members.

2013, c.S-15.1, s.6-42.

Employer to deduct dues

6-43(1) On the request in writing of an employee and on the request of a union or union local representing the employees in the bargaining unit, the employer shall deduct and pay in periodic payments out of the wages due to the employee the union dues, assessments and initiation fees of the employee.

(2) The employer shall pay the dues, assessments and initiation fees mentioned in subsection (1) to the union or union local representing the employee.

(3) The employer shall provide to the union or union local the names of the employees who have given their authority to have the dues, assessments and initiation fees mentioned in subsection (1) paid to the union or union local.

(4) Failure to make payments or provide information required by this section is an unfair labour practice.

2013, c.S-15.1, s.6-43.

Copies of collective agreements to be filed with minister

6-44(1) Each of the parties to a collective agreement or any document altering, modifying or amending a collective agreement shall file one copy of the collective agreement or document with the minister.

(2) The copy mentioned in subsection (1) must be filed promptly after execution of the collective agreement or document.

(3) The minister shall cause every copy filed pursuant to subsection (1) to be made available for inspection by any person.

2013, c.S-15.1, s.6-44.

Subdivision 3
Resolution of Collective Agreement Disputes

Arbitration to settle disputes

6-45(1) Subject to subsections (2) and (3), all disputes between the parties to a collective agreement or persons bound by the collective agreement or on whose behalf the collective agreement was entered into respecting its meaning, application or alleged contravention, including a question as to whether a matter is arbitrable, are to be settled by arbitration after exhausting any grievance procedure established by the collective agreement.

(2) Subsection (1) does not prevent the director of employment standards as defined in Part II or the director of occupational health and safety as defined in Part III from exercising that director's powers pursuant to this Act.

(3) Without restricting the generality of subsection (2), the director of employment standards may issue wage assessments, issue hearing notices, take action to collect outstanding wages or take any other action authorized pursuant to Part II that the director of employment standards considers appropriate to enforce the claim of an employee who is bound by a collective agreement.

2013, c.S-15.1, s.6-45.

Arbitration procedure – single arbitrator

6-46(1) Arbitration must be conducted in accordance with:

(a) subject to subsection (2), the procedures set out in the collective agreement;

(b) if the collective agreement does not provide procedures, the procedures set out in this section; or

(c) if the parties agree, section 6-47.

(2) Notwithstanding the terms of the collective agreement, the parties may agree to use the procedures set out in this section for settling disputes mentioned in section 6-45.

(3) After exhausting any grievance procedure established by the collective agreement, a party may notify the other party in writing that it intends to submit the dispute to arbitration.

(4) The notice mentioned in subsection (3) must contain the name of the person, or a list of names of persons, that the party that gives the notice is willing to accept as a single arbitrator.

(5) Within seven days after receiving a notice mentioned in subsection (3), the party that receives the notice shall:

(a) notify the party that gives the notice that it accepts the name of an arbitrator set out in the notice, and the dispute shall proceed to arbitration; or

(b) if it does not accept the name of an arbitrator set out in the notice, notify the party and send that party a list of names of persons that it is willing to accept as the arbitrator.

(6) If the parties cannot agree on an arbitrator within a further period of seven days, either party may ask the minister to appoint an arbitrator.

(7) No person is eligible to be appointed as an arbitrator or shall act as an arbitrator if the person:

(a) has a pecuniary interest in a matter before the arbitrator; or

(b) is acting or has, within a period of one year before the date on which notice of intention to submit the matter to arbitration is given, acted as lawyer or agent of any of the parties to the arbitration.

(8) The arbitrator shall:

(a) hear:

(i) evidence adduced relating to the dispute; and

(ii) argument by the parties or their lawyer or agent; and

(b) make a decision on the matter or matters in dispute.

2013, c.S-15.1, s.6-46.

Arbitration procedure – arbitration board

6-47(1) On agreement, the parties may use the procedures set out in this section for the settlement of disputes mentioned in section 6-45.

(2) After exhausting any grievance procedure established by the collective agreement, a party may notify the other party in writing that it intends to submit the dispute to arbitration by an arbitration board.

(3) The notice mentioned in subsection (2) must contain the name of the person to be appointed to the arbitration board by the party that gives the notice.

(4) Within seven days after receiving the notice mentioned in subsection (2), the party receiving the notice shall:

(a) inform the other party whether it agrees to submit the matter to arbitration before an arbitration board; and

(b) if the party agrees pursuant to clause (a):

(i) name the person whom it appoints to the arbitration board; and

(ii) provide the name of its appointee to the other party.

(5) If the party receiving the notice mentioned in subsection (2) has agreed to submit the matter to an arbitration board and fails to appoint a member of the arbitration board, the minister, on the request of a party, shall appoint a member on behalf of the party failing to make an appointment.

(6) Within seven days after the appointment of the second member of the arbitration board, the two appointees named by or for the parties shall appoint a third member of the arbitration board, who shall be the chairperson of the arbitration board.

(7) If the two appointees named by or for the parties fail to agree on the appointment of a third member of the arbitration board within the time specified in subsection (6), the minister, on the request of a party, shall appoint the third member.

(8) The member of the arbitration board appointed pursuant to subsection (7) is the chairperson of the arbitration board.

(9) No person is eligible to be appointed as a member of an arbitration board or shall act as a member of an arbitration board if the person:

(a) has a pecuniary interest in a matter before the arbitration board; or

(b) is acting or has, within a period of one year before the date on which notice of intention to submit the matter to arbitration is given, acted as lawyer or agent of any of the parties to the arbitration.

(10) The arbitration board shall:

(a) hear:

(i) evidence adduced relating to the dispute; and

(ii) argument by the parties or their lawyer or agent; and

(b) make a decision on the matter or matters in dispute.

(11) The decision of the majority of the members of an arbitration board or, if there is no majority decision, the decision of the chairperson of the arbitration board is the decision of the arbitration board.

(12) If the minister appoints a member of an arbitration board pursuant to subsection (5), the party who failed to make the appointment shall pay the remuneration and expenses of the person so appointed.

(13) Each of the parties shall pay an equal share of the remuneration and expenses of a person appointed pursuant to subsection (6) or (7) as the third member of an arbitration board.

2013, c.S-15.1, s.6-47.

Arbitration re termination or suspension

6-48(1) Whether there is just cause for the termination or suspension of an employee may be determined by arbitration if:

(a) no collective agreement is in force;

(b) the board has issued a certification order;

(c) the employee is terminated or suspended for a cause other than shortage of work; and

(d) the termination or suspension is not, and has not been, the subject of an application to the board respecting a matter mentioned in clause 6-62(1)(g).

(2) If an arbitration is conducted pursuant to subsection (1), it is to be conducted in accordance with section 6-46.

(3) The arbitrator shall determine any dispute respecting the application of this section.

2013, c.S-15.1, s.6-48.

Rules of arbitration

6-49(1) Subsections (2) to (4) apply to all arbitrations required to be conducted in accordance with sections 6-45 to 6-48.

(2) The finding of an arbitrator or arbitration board:

(a) is final and conclusive;

(b) is binding on the parties with respect to all matters within the legislative jurisdiction of Saskatchewan; and

(c) is enforceable in the same manner as a board order made pursuant to this Part.

(3) An arbitrator or an arbitration board may:

(a) exercise the powers that are vested in the Court of Queen's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise; and

(iii) to compel witnesses to produce documents or things;

(b) administer oaths and affirmations;

(c) receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the arbitrator or arbitration board considers appropriate, whether admissible in a court of law or not;

(d) enter any premises where work is being done or has been done by the employees or in which the employer carries on business, or where anything is taking place or has taken place concerning any disputes submitted to the arbitrator or arbitration board and:

(i) inspect and view any work, material, machinery, appliance or article in that place; and

(ii) question any person respecting any thing or any matter;

(e) authorize any person to do anything that the arbitrator or arbitration board may do pursuant to clause (d) and report to the arbitrator or arbitration board on anything done;

(f) relieve, on terms that in the arbitrator's or arbitration board's opinion are just and reasonable, against breaches of time limits set out in the collective agreement with respect to a grievance procedure or an arbitration procedure;

(g) dismiss or reject an application or grievance or refuse to settle a dispute if, in the opinion of the arbitrator or arbitration board:

(i) there has been unreasonable delay by the person bringing the application or grievance or requesting the settlement; and

(ii) the delay has operated to the prejudice or detriment of the other party; and

(h) encourage settlement of the dispute and, with the agreement of the parties, may use mediation or other procedures to encourage settlement at any time during the arbitration.

(4) An arbitrator or arbitration board may substitute any other penalty for the termination or discipline of an employee that the arbitrator or arbitration board considers just and reasonable in the circumstances if:

(a) the arbitrator or arbitration board determines that an employee has been terminated or otherwise disciplined by an employer; and

(b) the collective agreement governing in whole or in part the employment of the employee by the employer does not contain a specific penalty for the infraction that is the subject-matter of the arbitration.

2013, c.S-15.1, s.6-49.

When arbitration decision must be given

6-50(1) An arbitrator shall give a decision within 30 days after the conclusion of the hearing of the matter submitted to arbitration.

(2) An arbitration board shall give a decision within 60 days after the conclusion of the hearing of the matter submitted to arbitration.

(3) The time for giving a decision pursuant to subsection (1) or (2) may be extended with the consent of the parties to the arbitration.

(4) If an arbitrator or arbitration board gives an oral decision:

(a) subsections (1) and (2) do not apply; and

(b) on the request of either party, the arbitrator or arbitration board shall give written reasons for the decision within a reasonable time.

2013, c.S-15.1, s.6-50.

Paying costs of arbitration

6-51(1) Subject to subsections 6-47(12) and (13) and to subsection (2), each of the parties to an arbitration shall pay an equal share of the remuneration and expenses of an arbitrator or arbitration board appointed pursuant to this Part.

(2) If an arbitrator or arbitration board does not give a decision within the time required pursuant to subsection 6-50(1) or (2) or an extension of time consented to pursuant to subsection 6-50(3), the parties to the arbitration are not responsible for payment of the remuneration and expenses of the arbitrator or arbitration board.

2013, c.S-15.1, s.6-51.

***The Arbitration Act, 1992* not to apply**

6-52 *The Arbitration Act, 1992* does not apply to any arbitration pursuant to this Part.

2013, c.S-15.1, s.6-52.

Mediation for grievance

6-53(1) After exhausting any grievance procedure established by the collective agreement, the parties may agree to request the director of labour relations to appoint a labour relations officer to assist the parties to resolve the dispute.

(2) If a labour relations officer is appointed pursuant to this section, any limitation of time in the collective agreement is deemed to be suspended for the period of the appointment.

2013, c.S-15.1, s.6-53.

DIVISION 10
Technological Change and Organizational Change

Technological change and organizational change

6-54(1) In this Division:

(a) **"organizational change"** means the removal or relocation outside of the bargaining unit by an employer of any part of the employer's work, undertaking or business;

(b) **"technological change"** means:

(i) the introduction by an employer into the employer's work, undertaking or business of equipment or material of a different nature or kind than previously utilized by the employer in the operation of the work, undertaking or business; or

(ii) a change in the manner in which the employer carries on the work, undertaking or business that is directly related to the introduction of the equipment or material mentioned in subclause (i).

(2) An employer whose employees are represented by a union and who proposes to effect a technological change or organizational change that is likely to affect the terms, conditions or tenure of employment of a significant number of the employees shall give notice of the technological change or organizational change to the union and to the minister at least 90 days before the date on which the technological change or organizational change is to take effect.

(3) The notice mentioned in subsection (2) must be in writing and must state:

(a) the nature of the technological change or organizational change;

(b) the date on which the employer proposes to effect the technological change or organizational change;

(c) the number and type of employees likely to be affected by the technological change or organizational change;

(d) the effect that the technological change or organizational change is likely to have on the terms, conditions or tenure of employment of the employees affected; and

(e) any other prescribed information.

(4) The Lieutenant Governor in Council may make regulations specifying the number of employees that is deemed to be "significant" for the purpose of subsection (2) or the method of determining that number.

2013, c.S-15.1, s.6-54.

Application to board for an order re technological change or organizational change

6-55(1) A union may apply to the board for an order pursuant to this section if the union believes that an employer has failed to comply with section 6-54.

(2) An application pursuant to this section must be made not later than 30 days after the union knew or, in the opinion of the board, ought to have known of the failure of the employer to comply with section 6-54.

(3) On an application pursuant to this section and after giving the parties an opportunity to be heard, the board may, by order, do all or any of the following:

(a) direct the employer not to proceed with the technological change or organizational change for any period not exceeding 90 days that the board considers appropriate;

(b) require the reinstatement of any employee displaced by the employer as a result of the technological change or organizational change;

(c) if an employee is reinstated pursuant to clause (b), require the employer to reimburse the employee for any loss of pay suffered by the employee as a result of the employee's displacement.

(4) A board order made pursuant to clause (3)(a) is deemed to be a notice of technological change or organizational change given pursuant to section 6-54.

2013, c.S-15.1, s.6-55.

Workplace adjustment plans

6-56(1) If a union receives notice of a technological change or organizational change given, or deemed to have been given, by an employer pursuant to section 6-54 or 6-55, the union may serve notice on the employer in writing to commence collective bargaining for the purpose of developing a workplace adjustment plan.

(2) The written notice mentioned in subsection (1) must be served within 30 days after the date on which the union received or was deemed to have received the notice.

(3) On receipt of a notice pursuant to subsection (1), the employer and the union shall meet for the purpose of collective bargaining with respect to a workplace adjustment plan.

(4) A workplace adjustment plan may include provisions with respect to any of the following:

(a) consideration of alternatives to the proposed technological change or organizational change, including amendment of provisions in the collective agreement;

(b) human resource planning and employee counselling and retraining;

(c) notice of termination;

(d) severance pay;

(e) entitlement to pension and other benefits, including early retirement benefits;

(f) a bipartite process for overseeing the implementation of the workplace adjustment plan.

(5) Not later than 45 days after the union received a notice of technological change or organizational change pursuant to section 6-54, the employer or the union may request the director of labour relations to direct a labour relations officer to assist the parties in collective bargaining with respect to a workplace adjustment plan.

(6) If a union has served notice to commence collective bargaining pursuant to subsection (1), the employer shall not effect the technological change or organizational change with respect to which the notice has been served unless:

(a) a workplace adjustment plan has been developed as a result of collective bargaining;

(b) the minister has been served with a notice in writing informing the minister that the parties have engaged in collective bargaining and have failed to develop a workplace adjustment plan; or

(c) a period of 90 days has elapsed since the notice pursuant to subsection (1) has been served.

2013, c.S-15.1, s.6-56.

When Division does not apply

6-57(1) This Division does not apply if:

(a) a collective agreement contains provisions that are intended to assist employees affected by any technological change or organizational change to adjust to the effects of the technological change or organizational change; or

(b) subject to subsection (2), on the application of the employer, the board relieves the employer from complying with this Division.

(2) The board may make an order pursuant to clause (1)(b) only if the board is satisfied that the technological change or organizational change must be implemented promptly to prevent permanent damage to the employer's operations.

2013, c.S-15.1, s.6-57.

DIVISION 11
Unions and Union Members

Internal union affairs

6-58(1) Every employee who is a member of a union has a right to the application of the principles of natural justice with respect to all disputes between the employee and the union that is his or her bargaining agent relating to:

(a) matters in the constitution of the union;

(b) the employee's membership in the union; or

(c) the employee's discipline by the union.

(2) A union shall not expel, suspend or impose a penalty on a member or refuse membership in the union to a person, or impose any penalty or make any special levy on a person as a condition of admission to membership in the union if:

(a) in doing so the union acts in a discriminatory manner; or

(b) the grounds the union proposes to act on are that the member or person has refused or failed to participate in activity prohibited by this Act.

2013, c.S-15.1, s.6-58.

Fair representation

6-59(1) An employee who is or a former employee who was a member of the union has a right to be fairly represented by the union that is or was the employee's or former employee's bargaining agent with respect to the employee's or former employee's rights pursuant to a collective agreement or this Part.

(2) Without restricting the generality of subsection (1), a union shall not act in a manner that is arbitrary, discriminatory or in bad faith in considering whether to represent or in representing an employee or former employee.

2013, c.S-15.1, s.6-59.

Applications re breach of duty of fair representation

6-60(1) Subject to subsection (2), on an application by an employee or former employee to the board alleging that the union has breached its duty of fair representation, in addition to any other remedies the board may grant, the board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of that time, if the board is satisfied that:

(a) the denial of fair representation has resulted in loss of employment or substantial amounts of work by the employee or former employee;

(b) there are reasonable grounds for the extension; and

(c) the employer will not be substantially prejudiced by the extension, either as a result of an order that the union compensate the employer for any financial loss or otherwise.

(2) The board may impose any conditions that it considers necessary on an order made pursuant to subsection (1).

2013, c.S-15.1, s.6-60.

Financial statement of unions

6-61(1) Within six months after the end of a union's fiscal year, the union shall make available without charge:

(a) to each of its members the audited financial statement of its affairs to the end of the preceding fiscal year, signed by its president and treasurer or corresponding principal officers;

(b) to each of its members who are in a bargaining unit the unaudited financial statement of that bargaining unit; and

(c) to each of its members any prescribed information.

(2) The financial statements mentioned in subsection (1) must contain information in sufficient detail to disclose accurately the financial condition and operation of the union for its preceding fiscal year.

(3) On the complaint of a member that the union has failed to comply with subsection (1), the board may order the union to provide to each of its members the financial statements and information required by this section to be provided.

(4) The financial statements mentioned in subsection (1) must be provided by:

(a) personally giving them to the member;

(b) mailing them to the member;

(c) posting them in the workplace;

(d) posting them online on a secure website to which the member has access; or

(e) providing them in any other manner that ensures that the member will receive the statements.

2013, c.S-15.1, s.6-61.

DIVISION 12
Unfair Labour Practices

Unfair labour practices – employers

6-62(1) It is an unfair labour practice for an employer, or any person acting on behalf of the employer, to do any of the following:

(a) subject to subsection (2), to interfere with, restrain, intimidate, threaten, or coerce an employee in the exercise of any right conferred by this Part;

(b) subject to subsection (3), to discriminate respecting or interfere with the formation or administration of any labour organization or to contribute financial or other support to it;

(c) to engage in collective bargaining with a labour organization that the employer or a person acting on behalf of an employer has formed or whose administration has been dominated by the employer or a person acting on behalf of an employer;

(d) to fail or refuse to engage in collective bargaining with representatives of a union representing the employees in a bargaining unit whether or not those representatives are the employees of the employer;

(e) to refuse to permit a duly authorized representative of a union with which the employer has entered into a collective agreement or that represents the employees in a bargaining unit of the employer to negotiate with the employer during working hours for the settlement of disputes and grievances of:

(i) employees covered by the agreement; or

(ii) employees in the bargaining unit;

(f) to make any deductions from the wages of any duly authorized representative of a union respecting the time actually spent in negotiating for the settlement of the disputes and grievances mentioned in clause (e);

(g) to discriminate with respect to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind, including termination or suspension or threat of termination or suspension of an employee, with a view to encouraging or discouraging membership in or activity in or for or selection of a labour organization or participation of any kind in a proceeding pursuant to this Part;

(h) to require as a condition of employment that any person shall abstain from joining or assisting or being active in any union or from exercising any right provided by this Part, except as permitted by this Part;

(i) to interfere in the selection of a union;

(j) to maintain a system of industrial espionage or to employ or direct any person to spy on a union member or on the proceedings of a labour organization or its offices or on the exercise by any employee of any right provided by this Part;

(k) to threaten to shut down or move a plant, business or enterprise or any part of a plant, business or enterprise in the course of a labour-management dispute;

(l) to declare or cause a lockout or to make or threaten any change in wages, hours, conditions or tenure of employment, benefits or privileges while:

(i) any application is pending before the board; or

(ii) any matter is pending before a labour relations officer, special mediator or conciliation board appointed pursuant to this Part;

(m) unless a union has not tendered payment as authorized by section 6-36, to deny or threaten to deny to any employee any benefit plan, as defined in section 6-36, that the employee enjoyed before the cessation of work or the exercise of any rights conferred by this Part:

(i) by reason of the employee ceasing to work as the result of a lockout or while taking part in a stoppage of work due to a labour-management dispute if that lockout or stoppage of work has been:

(A) imposed by the employer; or

(B) called in accordance with this Part by the union representing the employee; or

(ii) by reason of the employee exercising any of those rights;

(n) before a first collective agreement is entered into or after the expiry of the term of a collective agreement, to unilaterally change rates of pay, hours of work or other conditions of employment of employees in a bargaining unit without engaging in collective bargaining respecting the change with the union representing the employees in the bargaining unit;

(o) if one or more employees are permitted or required to live in premises supplied by, or by arrangement with, the employer, to refuse, deny, restrict or limit the right of the employee or employees to allow access to the premises by members of any union representing or seeking to represent the employee or employees or any of them for the purpose of collective bargaining;

(p) to question employees as to whether they or any of them have exercised, or are exercising or attempting to exercise, any right conferred by this Part;

(q) to terminate an employee for failure to acquire or maintain membership in a union, in circumstances where membership is a condition of employment, if the employee complies with subsections 6-42(5) and (6);

(r) to contravene an obligation, a prohibition or other provision of this Part imposed on or applicable to an employer.

(2) Clause (1)(a) does not prohibit an employer from communicating facts and its opinions to its employees.

(3) Clause (1)(b) does not prohibit an employer from:

(a) permitting representatives of a union to confer with the employer for the purpose of collective bargaining or attending to the business of a union without deductions from wages or loss of time while so occupied; or

(b) agreeing with any union for the use of notice boards and of the employer's premises for the purposes of the union.

(4) For the purposes of clause (1)(g), there is a presumption in favour of an employee that the employee was terminated or suspended contrary to this Part if:

(a) an employer or person acting on behalf of the employer terminates or suspends an employee from employment; and

(b) it is shown to the satisfaction of the board or the court that employees of the employer or any of them had exercised or were exercising or attempting to exercise a right pursuant to this Part.

(5) For the purposes of subsection (4), the burden of proof that the employee was terminated or suspended for good and sufficient reason is on the employer.

(6) If a certification order has been issued, nothing in this Part precludes an employer from making an agreement with the union that:

(a) requires as a condition of employment:

(i) membership in or maintenance of membership in the union; or

(ii) the selection of employees by or with the advice of a union; or

(b) deals with any other condition in relation to employment.

(7) No employer shall be found guilty of an unfair labour practice contrary to clause (1)(d), (e), (f) or (n):

(a) unless the board has made an order determining that the union making the complaint has been named in the certification order as the bargaining agent of the employees; or

(b) if the employer shows to the satisfaction of the board that the employer did not know and did not have any reasonable grounds for believing, at the time when the employer committed the acts complained of, that:

(i) the union represented the employees; or

(ii) the employees were actively endeavouring to have a union represent them.

2013, c.S-15.1, s.6-62.

Unfair labour practices – unions, employees

6-63(1) It is an unfair labour practice for an employee, union or any other person to do any of the following:

(a) subject to subsection (2), to interfere with, restrain, intimidate, threaten or coerce an employee with a view to encouraging or discouraging membership in or activity in or for a labour organization;

(b) to commence to take part in or persuade an employee to take part in a strike while:

(i) any application is pending before the board; or

(ii) any matter is pending before a labour relations officer or special mediator who is appointed pursuant to this Part or a conciliation board established pursuant to this Part;

(c) to fail or refuse to engage in collective bargaining with the employer respecting employees in a bargaining unit if a certification order has been issued for that unit;

(d) to declare, authorize or take part in a strike unless:

(i) a strike vote is taken; and

(ii) a majority of the employees who vote do vote in favour of a strike;

(e) notwithstanding that membership in the union is a condition of employment, to seek or take steps to have an employee terminated for failure to acquire or maintain membership in a union if the employee complies with subsections 6-42(5) and (6);

(f) to use coercion or intimidation of any kind against an employee with a view to discouraging activity that might lead to the cancellation of a certification order;

(g) if the union is replaced as the bargaining agent or if a certification order is cancelled:

(i) to fail or refuse to facilitate the orderly transfer or transition of any benefit plan, program or trust that is administered or controlled by the union to the new union or to the employees; or

(ii) to fail to ensure so far as is practicable, that the benefits that an employee is receiving under a plan, program or trust mentioned in subclause (i) are continued by facilitating the transfer, assignment, joint administration or division of any contract, fund, asset or liability that relates to the benefits of those employees;

(h) to contravene an obligation, a prohibition or other provision of this Part imposed on or applicable to a union or an employee.

(2) If a certification order has been issued, nothing in this Part precludes a person acting on behalf of the union from attempting to persuade an employer to make an agreement with the union that requires as a condition of employment:

(a) membership in or maintenance of membership in the union; or

(b) the selection of employees by or with the advice of a union.

2013, c.S-15.1, s.6-63.

DIVISION 13
Construction Industry

Subdivision 1
Preliminary Matters for Division

Purpose of Division

6-64(1) The purpose of this Division is to permit collective bargaining to occur in the construction industry on the basis of either or both of the following:

(a) by trade on a province-wide basis;

(b) on a project basis.

(2) Nothing in this Division:

(a) precludes a union from seeking an order to be certified as a bargaining agent for a unit of employees consisting of:

(i) employees of an employer in more than one trade or craft; or

(ii) all employees of the employer; or

(b) limits the right to obtain an order to be certified as a bargaining agent to those unions that are referred to in a determination made by the minister pursuant to section 6-66.

(3) This Division does not apply to an employer and a union with respect to a certification order mentioned in subsection (2).

(4) If a unionized employer becomes subject to a certification order mentioned in subsection (2) with respect to its employees, the employer is no longer governed by this Division for the purposes of that bargaining unit.

(5) If there is a conflict between a provision of this Division and any other Division or any other Part of this Act as the conflict relates to collective bargaining in the construction industry, the provision of this Division prevails.

2013, c.S-15.1, s.6-64.

Interpretation of Division

6-65 In this Division:

(a) **"construction industry"**:

(i) means the industry in which the activities of constructing, erecting, reconstructing, altering, remodelling, repairing, revamping, renovating, decorating or demolishing of any building, structure, road, sewer, water main, pipeline, tunnel, shaft, bridge, wharf, pier, canal, dam or any other work or any part of a work are undertaken; and

(ii) includes all activities undertaken with respect to all machinery, plant, fixtures, facilities, equipment, systems and processes contained in or used in connection with a work mentioned in subclause (i), but does not include maintenance work;

(b) **"employers' organization"** means an organization of unionized employers that has, as one of its objectives, the objective of engaging in collective bargaining on behalf of unionized employers;

(c) **"project agreement"** means an agreement mentioned in section 6-67;

(d) **"representative employers' organization"** means an employers' organization that:

(i) is the exclusive agent to engage in collective bargaining on behalf of all unionized employers in a trade division; and

(ii) if applicable, may be a bargaining agent to engage in collective bargaining on behalf of unionized employers that are parties to a project agreement;

(e) **"sector of the construction industry"** means any of the following sectors of the construction industry:

(i) the commercial, institutional and industrial sector;

(ii) the residential sector;

(iii) the sewer, tunnel and water main sector;

(iv) the pipeline sector;

(v) the road building sector;

(vi) the powerline transmission sector;

(vii) any prescribed sector;

(f) **"trade division"** means a trade division established by the minister in accordance with section 6-66;

(g) **"unionized employee"** means an employee who is employed by a unionized employer and with respect to whom a union has established the right to engage in collective bargaining with the unionized employer;

(h) **"unionized employer"**, subject to section 6-69, means an employer:

(i) with respect to whom a certification order has been issued for a bargaining unit comprised of unionized employees working in a trade for which a trade division has been established pursuant to section 6-66; or

(ii) who has recognized a union as the agent to engage in collective bargaining on behalf of unionized employees working in a trade for which a trade division has been established pursuant to section 6-66.

2013, c.S-15.1, s.6-65.

Subdivision 2
Trade Divisions and Project Agreements

Trade divisions

6-66(1) The minister may, by order, establish one or more trade divisions comprising all unionized employers in one or more sectors of the construction industry, with each trade division being restricted to unionized employers that are:

(a) in a trade; or

(b) in an identifiable category or group of unionized employers in a trade.

(2) Before establishing a trade division pursuant to subsection (1), the minister shall:

(a) conduct, or cause to be conducted, any inquiry or consultation that the minister considers necessary;

(b) consider any request of unionized employers and a union to establish a trade division based on an agreement between the employers and the union; and

(c) if a request mentioned in clause (b) is received, make a decision whether to establish the requested trade division within 90 days after receiving the request.

(3) The minister may amend or cancel an order establishing a trade division:

(a) with the consent of:

(i) the representative employers' organization that represents all unionized employers in the trade division; and

(ii) the union or council of unions that is the bargaining agent of all unionized employees in the trade division; or

(b) without the consents mentioned in clause (a) in accordance with subsection (4).

(4) Before the minister amends or cancels an order establishing a trade division without the consent of the representative employers' organization and the union or council of unions, the minister shall:

(a) inform the representative employers' organization and the union or council of unions of the minister's intention to amend or cancel the order establishing the trade division;

(b) provide the representative employers' organization and the union or council of unions with an opportunity to make representations to the minister; and

(c) as soon as possible after amending or cancelling the order, provide the representative employers' organization and the union or council of unions with a copy of the order and with a written decision setting out reasons for the order.

2013, c.S-15.1, s.6-66.

Project agreements

6-67 Notwithstanding section 6-66, a collective agreement that is to be effective during the term of a project may be negotiated among:

(a) one or more unions;

(b) if applicable, one or more representative employers' organizations; and

(c) one or more project owners.

2013, c.S-15.1, s.6-67.

Subdivision 3
Unionized Employers

Rights and duties of unionized employers

6-68 Subject to the other provisions of this Division, a unionized employer has the right, in the manner set out in this Division:

(a) to organize, form and assist in an employers' organization;

(b) to join the representative employers' organization and participate in its activities in the trade division within which the employer operates; and

(c) to engage in collective bargaining through the representative employers' organization mentioned in clause (b).

2013, c.S-15.1, s.6-68.

Subdivision 4
Representative Employers' Organizations

Determination of representative employers' organizations

6-69(1) In this section, **"unionized employer"** means a unionized employer who is actively involved in the construction industry in Saskatchewan and who, in the one-year period before the date of an application pursuant to this section, employed one or more unionized employees in the trade division with respect to which the application is made.

(2) An employers' organization may apply to the board for an order determining it to be the representative employers' organization for all unionized employers in a trade division:

(a) if the minister has established a new trade division; or

(b) for an existing trade division if the applicant employers' organization establishes that it has the support of the unionized employers in the trade division in accordance with subsection (4).

(3) When considering an application pursuant to clause (2)(a), the board may, in addition to exercising its other powers:

(a) determine whether an employer is a unionized employer;

(b) if there is more than one employers' organization that intends to be the representative employers' organization, order a vote; and

(c) order that the employers' organization that received the most votes is the representative employers' organization for the trade division.

(4) When considering an application pursuant to clause (2)(b), the board, on being satisfied that the applicant employers' organization has the support of 45% of unionized employers in the trade division, shall:

(a) order a vote; and

(b) issue an order that the employers' organization that received a majority of the votes is the representative employers' organization for that trade division.

(5) For the purposes of a vote pursuant to this section, each unionized employer is entitled to only one vote.

(6) An application pursuant to clause (2)(b) may be made only during the month of January in any year.

(7) If a vote of unionized employers is required in accordance with subsection (3) or (4), Division 5 applies, with any necessary modification, to the board's role in the vote and in the manner of conducting the vote.

(8) If an employers' organization is determined to be the representative employers' organization in a trade division with an existing collective agreement, that collective agreement remains in force and shall be administered by the representative employers' organization.

2013, c.S-15.1, s.6-69.

Effect of determination

6-70(1) When an employers' organization is determined to be the representative employers' organization for a trade division:

(a) the representative employers' organization is the exclusive agent to engage in collective bargaining on behalf of all unionized employers in the trade division;

(b) a union representing the unionized employees in the trade division shall engage in collective bargaining with the representative employers' organization with respect to the unionized employees in the trade division;

(c) a collective agreement between the representative employers' organization and a union or council of unions is binding on the unionized employers in the trade division;

(d) no other employers' organization has the right to interfere with the negotiation of a collective agreement or veto any proposed collective agreement negotiated by the representative employers' organization; and

(e) a collective agreement respecting the trade division that is made after the determination of the representative employers' organization with any person or organization other than the representative employers' organization is void.

(2) If an employers' organization is determined to be the representative employers' organization for more than one trade division, only the unionized employers in a trade division are entitled to make decisions with respect to negotiating and concluding a collective agreement on behalf of the unionized employers in that trade division.

(3) Subsection (1) applies to the following:

(a) an employer who subsequently becomes a unionized employer in a trade division;

(b) a unionized employer who subsequently becomes engaged in the construction industry in a trade division.

(4) A unionized employer mentioned in subsection (3) is bound by any collective agreement in force for a trade division at the time the employer:

(a) becomes a unionized employer in a trade division; or

(b) becomes engaged in the construction industry in a trade division.

(5) Notwithstanding subsection (1), a unionized employer is responsible for settling disputes mentioned in section 6-45.

2013, c.S-15.1, s.6-70.

Constitution and bylaws of representative employers' organizations

6-71(1) Subject to this section, the constitution and bylaws of a representative employers' organization are in force only after they are approved or amended by the board pursuant to subsections (3) and (4).

(2) A representative employers' organization shall file with the board a copy of its constitution and bylaws within 90 days after its determination as the representative employers' organization pursuant to section 6-69.

(3) Within 120 days after the filing of the constitution and bylaws of a representative employers' organization pursuant to subsection (2), the board shall:

(a) approve the constitution and bylaws; or

(b) after conducting a hearing with respect to the matter, amend the constitution and bylaws to ensure that they comply with this Part.

(4) A representative employers' organization shall file with the board a copy of any amendments that it makes to its constitution and bylaws, and no amendment to the constitution or bylaws of a representative employers' organization has any effect until it is approved by the board.

2013, c.S-15.1, s.6-71.

Prohibitions on certain activities of representative employers' organizations

6-72(1) No representative employers' organization shall merge or amalgamate with any other employers' organization.

(2) No representative employers' organization shall assign or transfer any of its rights, duties or obligations to any other representative employers' organization.

(3) In discharging the duties of a representative employers' organization pursuant to this Part, a representative employers' organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing any of the unionized employers on whose behalf it acts.

2013, c.S-15.1, s.6-72.

Pre-job conference

6-73 Nothing in this Division interferes with or prevents the continuation of the practice of holding pre-job conferences in relation to particular projects.

2013, c.S-15.1, s.6-73.

Subdivision 5
Council of Unions

Council of unions

6-74(1) If more than one local of a union or more than one union has established the right to engage in collective bargaining on behalf of the unionized employees in a trade division, the locals or unions shall file with the board an agreement between them setting up a council of unions for the purposes of engaging in collective bargaining with the representative employers' organization for the trade division.

(2) An agreement mentioned in subsection (1) must be filed within 90 days after more than one local of a union or more than one union has established the right to engage in collective bargaining on behalf of the unionized employees in the trade division.

(3) If the locals of a union or the unions mentioned in subsection (1) fail or refuse to comply with subsection (1) or if the board does not approve the agreement reached by the locals or the unions, the board may, by order, prescribe the terms of the agreement that are to bind the council of unions for the purposes of engaging in collective bargaining with the representative employers' organization for the trade division.

(4) An order of the board made pursuant to subsection (3) is binding on each of the locals of the union and each of the unions in the trade division.

2013, c.S-15.1, s.6-74.

Effect of agreements re council of unions

6-75(1) If an agreement setting up a council of unions filed with the board pursuant to subsection 6-74(1) is approved by the board or the board makes an order prescribing the terms of the agreement that binds a council of unions pursuant to subsection 6-74(3):

(a) all of the rights, duties and obligations of locals of the union or unions in the trade division vest in the council of unions to the extent that is necessary to give effect to this Division;

(b) the council of unions is the exclusive agent to engage in collective bargaining on behalf of all unionized employees in the trade division;

(c) the representative employers' organization shall engage in collective bargaining with the council of unions with respect to the unionized employees in the trade division; and

(d) a collective agreement respecting the trade division that is made after the agreement is filed with any person or organization other than the council of unions is void.

(2) Notwithstanding subsection (1), the local of a union or the union is responsible for settling disputes mentioned in section 6-45.

2013, c.S-15.1, s.6-75.

Subdivision 6
Contract Administration and Industry Development Fees

Contract administration and industry development fees

6-76(1) Every unionized employer in the trade division shall pay any contract administration and industry development fee to the representative employers' organization that may be fixed by the representative employers' organization.

(2) Every unionized employee in the trade division shall pay any contract administration and industry development fee to the union that may be fixed by the union.

(3) Every collective agreement is deemed to contain provisions requiring the payment of contract administration and industry development fees by employees in accordance with subsection (2).

(4) To facilitate collection of contract administration and industry development fees, every unionized employer in a trade division shall provide the representative employers' organization and the union representing unionized employees of a unionized employer in the trade division with the following information on a monthly basis:

(a) the number of employees in the trade division that are employed by the unionized employer;

(b) the number of hours worked in a month by the unionized employees employed by the unionized employer in the trade division;

(c) any other information that is necessary in the opinion of the representative employers' organization mentioned in subsection (1) or the union mentioned in subsection (2) for the calculation of the contract administration and industry development fees that are payable by unionized employers and unionized employees in the trade division.

2013, c.S-15.1, s.6-76.

Subdivision 7
Additional Obligations re Strikes and Lockouts

Strike or lockout – vote required

6-77(1) Without limiting the application of section 6-32, a union or council of unions shall not declare, authorize or counsel a strike and an employee shall not strike until:

(a) a vote as to whether to strike has been taken by the employees in the trade division; and

(b) the majority of the employees mentioned in clause (a) who vote have voted for a strike.

(2) A representative employers' organization shall not declare, authorize or counsel a lockout and a unionized employer shall not engage in a lockout until:

(a) a vote as to whether to engage in a lockout has been taken by the unionized employers in the trade division; and

(b) the majority of the unionized employers mentioned in clause (a) who vote have voted to engage in a lockout.

2013, c.S-15.1, s.6-77.

Selective strikes and lockouts prohibited

6-78(1) If a union or council of unions intends to strike in a trade division, it shall strike:

(a) with respect to:

(i) all unionized employers in the trade division; and

(ii) all the work being performed by the unionized employers mentioned in subclause (i); and

(b) with respect to all unionized employees of the unionized employers mentioned in subclause (a)(i).

(2) If a representative employers' organization intends to cause a lockout of unionized employees employed by unionized employers in a trade division, all unionized employers in the trade division shall participate in the lockout and shall lock out all unionized employees.

2013, c.S-15.1, s.6-78.

Subdivision 8
Spin-off Corporations

Spin-off corporations

6-79(1) On the application of an employer or a union affected, the board may declare more than one corporation, partnership, individual or association to be one unionized employer for the purposes of this Part if, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by or through those corporations, partnerships, individuals or associations.

(2) In exercising its authority pursuant to subsection (1), the board may recognize the practice of non-unionized employers performing work through unionized subsidiaries.

(3) The effect of a declaration pursuant to subsection (1) is that the corporations, partnerships, individuals and associations, on and after the date of the declaration:

(a) constitute a unionized employer in the appropriate trade division;

(b) are bound by a designation of a representative employers' organization; and

(c) are bound by the collective agreement in effect in the trade division.

(4) The board may make an order granting any additional relief that it considers appropriate if:

(a) the board makes a declaration pursuant to subsection (1); and

(b) in the opinion of the board, the associated or related businesses, undertakings or activities are carried on by or through more than one corporation, partnership, individual or association for the purpose of avoiding:

(i) the effect of a determination of a representative employers' organization with respect to a trade division; or

(ii) a collective agreement that is in effect or that may come into effect between the representative employers' organization and a union.

(5) For the purposes of subsection (4), the burden of proof that the associated or related businesses, undertakings or activities are carried on by or through more than one corporation, partnership, individual or association for a purpose other than a purpose set out in subclause (4)(b)(i) or (ii) is on the corporation, partnership, individual or association.

(6) An order pursuant to subsection (4) may be made effective from a day that is not earlier than the date of the application to the board pursuant to subsection (1).

2013, c.S-15.1, s.6-79.

Subdivision 9
Board Orders

Board orders

6-80 In addition to any other order that it may make pursuant to this Part, the board may make orders:

(a) determining whether an organization is an employers' organization;

(b) determining whether an employer is a unionized employer for the purposes of this Division; and

(c) determining whether an employee is a unionized employee for the purposes of this Division.

2013, c.S-15.1, s.6-80.

DIVISION 14
Health Sector

Purpose of Division

6-81(1) The purposes of this Division are:

(a) to permit the establishment of multi-employer bargaining units in the health sector; and

(b) to require all health sector employers to use the designated employers' organization as their exclusive agent to engage in collective bargaining.

(2) Nothing in this Division precludes a union from seeking an order to be certified as bargaining agent for:

(a) employees of a health sector employer in one or more trade or craft; or

(b) all employees of a health sector employer.

(3) If there is a conflict between a provision of this Division and a provision of another Division of this Part or any other Part of this Act as the conflict relates to collective bargaining in the health sector, the provision of this Division prevails.

2013, c.S-15.1, s.6-81.

Interpretation of Division

6-82 In this Division:

(a) **"designated employers' organization"** means a person designated in the regulations made pursuant to this Part as the bargaining agent for health sector employers;

(b) **"health sector employer"** means:

(i) the provincial health authority as defined in *The Provincial Health Authority Act*;

(ii) the Saskatchewan Cancer Agency as defined in *The Cancer Agency Act*; and

(iii) a prescribed person or category of persons.

2013, c.S-15.1, s.6-82; 2017, c P-30.3, s.11-1.

Bargaining units in the health sector

6-83(1) Bargaining units consisting of employees of two or more health sector employers may be established in the health sector.

(2) The board may make any order respecting a bargaining unit in the health sector that the board is authorized to make pursuant to this Part and that the board considers necessary or appropriate for the purposes of this Division, including an order pursuant to subsection 6-18(4) if there has been a disposal, as defined in Division 4, of a business or part of a business from one health sector employer to another.

(3) The other provisions of this Part, other than Divisions 13 and 15, apply, with any necessary modification, to employees, employers, unions, persons acting on behalf of employers and unions and the board with respect to the bargaining unit in the health sector.

2013, c.S-15.1, s.6-83.

Effect of designation

6-84(1) The designated employers' organization is the exclusive agent to engage in collective bargaining on behalf of all health sector employers in multi-employer bargaining units and in single employer bargaining units.

(2) A union representing the employees in a unit mentioned in subsection (1) shall engage in collective bargaining with the designated employers' organization with respect to the employees in the unit.

(3) A collective agreement respecting the employees in a unit mentioned in subsection (1) that is made after designation of the designated employers' organization with any person or organization other than the designated employers' organization is void.

2013, c.S-15.1, s.6-84.

Obligations of health sector employers

6-85(1) Every health sector employer shall immediately advise the designated employers' organization of any dispute respecting a matter governed by section 6-45.

(2) If the designated employers' organization is of the opinion that the dispute mentioned in subsection (1) has implications for other employers in the health sector:

(a) the designated employers' organization may represent the health sector employer in the dispute; and

(b) the health sector employer shall assist the designated employers' organization in the dispute.

(3) If the designated employers' organization decides not to represent the health sector employer in the dispute, the health sector employer is responsible for the resolution of the dispute in accordance with section 6-45.

2013, c.S-15.1, s.6-85.

DIVISION 15
Firefighters

Interpretation of Division

6-86 In this Division, **"census"** means a census taken pursuant to the *Statistics Act* (Canada).

2013, c.S-15.1, s.6-86.

Application of Division

6-87 This Division applies to:

(a) the union certified as the bargaining agent of a bargaining unit:

(i) comprised of only municipal firefighters in a city with a population of 20,000 or more as shown in the most recent census; and

(ii) only if the constitution of the union prohibits strikes in the bargaining unit; and

(b) the employer of the firefighters mentioned in clause (a).

2013, c.S-15.1, s.6-87.

Referral to arbitration

6-88(1) Subject to subsection (2), if, in the opinion of a union or an employer, negotiations to conclude a collective agreement have reached a point where agreement cannot be achieved, the union or the employer may have all or any matters relating to hours and conditions of work, wages or employment referred to an arbitration board.

(2) Before any matter may proceed to arbitration in accordance with subsection (1), the employer and union governed by this Division shall:

(a) engage in collective bargaining in accordance with this Part; and

(b) if collective bargaining does not resolve the issues, engage in mediation or conciliation in accordance with Division 7.

2013, c.S-15.1, s.6-88.

Arbitration board

6-89(1) An arbitration board is to consist of three persons.

(2) Within 30 days after a matter is referred to arbitration, each party shall nominate its representative and shall immediately notify the other party of the person nominated.

(3) Within five days after being nominated in accordance with subsection (2) or appointed pursuant to subsection (4), the two persons nominated shall meet and agree on the third member, who shall be the chairperson of the arbitration board.

(4) On the written request of either party, the minister shall appoint a representative of the defaulting party or the chairperson of the arbitration board, as the case may require, if:

(a) either party fails to nominate its representative to the arbitration board within the time specified in subsection (2);

(b) a person nominated is unable or unwilling to act; or

(c) the representatives nominated by the two parties fail to agree on the third member of the arbitration board within the period specified in subsection (3).

(5) Subsection 6-47(9) applies, with any necessary modification, to a member of an arbitration board.

2013, c.S-15.1, s.6-89.

Arbitration board procedures

6-90(1) An arbitration pursuant to this Division must be conducted in accordance with section 6-49 and that section applies, with any necessary modification, for the purposes of this section.

(2) The hearings of an arbitration board must be open to the public, but if, in the opinion of the arbitration board it is necessary in the interests of a fair hearing that any portion of an arbitration proceeding be held privately, the arbitration board may exclude the public.

(3) When considering its decision or award and to ensure that the decision or award is fair and reasonable to the employees and the employer and is in the best interest of the public, the arbitration board:

(a) shall consider, for the period with respect to which the decision or award will apply, the following:

(i) wages and benefits in private and public, and unionized and non-unionized, employment;

(ii) the continuity and stability of private and public employment, including:

(A) employment levels and incidence of layoffs;

(B) incidence of employment at less than normal working hours; and

(C) opportunity for employment;

(iii) the general economic conditions in Saskatchewan; and

(b) may consider, for the period with respect to which the decision or award will apply, the following:

(i) the terms and conditions of employment in similar occupations outside the employer's employment taking into account any geographic, industrial or other variations that the arbitration board considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that the arbitration board considers relevant to the matter in dispute.

2013, c.S-15.1, s.6-90.

Decision of arbitration board

6-91(1) The decision of the majority of the members of the arbitration board or, if there is no majority decision, the decision of the chairperson of the arbitration board is the decision of the arbitration board.

(2) The decision of the arbitration board must be in writing.

(3) The chairperson shall forward a copy of the arbitration board's decision to:

(a) the employer and the union; and

(b) the minister.

(4) If the estimates of expenditures of a city and the rate or rates of taxation proposed to be struck are required to be submitted annually to the Saskatchewan Municipal Board for review and approval by the city in which the firefighters provide services, the employer shall not conclude a collective agreement or give effect to any decision or award of an arbitration board until the approval of the Saskatchewan Municipal Board has been obtained.

(5) Each party shall:

(a) pay its own costs of the arbitration; and

(b) share equally the cost of the chairperson and any other general expenses of the arbitration board.

2013, c.S-15.1, s.6-91.

DIVISION 16
Labour Relations Board

Subdivision 1
Board Continued

Board continued

6-92 The Labour Relations Board is continued.

2013, c.S-15.1, s.6-92.

Members of board

6-93(1) The board consists of those members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint one member as chairperson and may appoint not more than two other members as vice-chairpersons of the board.

(3) The chairperson:

(a) shall preside over all meetings of the board; and

(b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by this Act or a resolution of the board.

(4) If the chairperson is absent or unable to act or the office of chairperson is vacant, a vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

(5) The members of the board, other than the chairperson and any vice-chairpersons, are to be selected for appointment so that employers and organized employees are equally represented.

(6) The board members:

(a) hold office for terms not exceeding:

(i) five years in the case of the chairperson and vice-chairpersons; and

(ii) three years in the case of other members; and

(b) may be reappointed for additional terms.

(7) Notwithstanding the expiry of a board member's term, the board member continues to hold office until his or her successor is appointed.

(8) Before entering on the duties of office, every board member shall take the prescribed oath or affirmation.

(9) Members of the board are to be paid remuneration and reimbursement for expenses at rates that are approved by the Lieutenant Governor in Council.

2013, c.S-15.1, s.6-93.

Members may continue to complete proceedings

6-94(1) Notwithstanding that a successor to a board member has been appointed after the member has begun hearing a matter before the board but before the proceeding is completed, the member may continue with the proceeding as if his or her term had not expired for the purposes of completing the proceeding, and any decision of the member is effective as though he or she still held office.

(2) If a member continues to serve pursuant to subsection (1), he or she shall not begin to hear any additional matters before the board.

2013, c.S-15.1, s.6-94.

Quorum

6-95(1) Subject to subsections (2) and (3), the board shall sit in a panel of three members of whom:

(a) one must be the chairperson or a vice-chairperson;

(b) one must be from members appointed to represent employers; and

(c) one must be from members appointed to represent organized employees.

(2) The death, resignation or incapacity of a member of a panel before the panel renders its decision, other than that of the chairperson or vice-chairperson, does not render the decision invalid.

(3) Subject to any restriction imposed by the board, the chairperson may designate himself or herself or a vice-chairperson to hear any application that the chairperson considers can be properly and adequately addressed without a panel.

(4) The decision of the majority of the members of the board or, if there is no majority decision, the decision of the chairperson or vice-chairperson of the board is the decision of the board.

2013, c.S-15.1, s.6-95.

Board orders

6-96(1) The chairperson or a vice-chairperson shall sign all orders, decisions, rules and regulations made by the board and every consent of the board.

(2) Notwithstanding subsection (1), in the absence or disability of the chairperson and a vice-chairperson:

(a) any board member may sign any orders, decisions, rules or regulations made by the board or any consent of the board; and

(b) an order, decision, rule or regulation made by the board or consent by the board that is signed in accordance with this subsection has the same effect as if it had been signed by the chairperson or a vice-chairperson.

(3) If any board order, decision, rule or regulation or any consent purports to be signed by a board member other than the chairperson or a vice-chairperson, the board member is deemed to have acted in the absence or disability of the chairperson and vice-chairpersons.

(4) Any board order, decision, rule, regulation or any consent purporting to be signed by the chairperson, a vice-chairperson or a board member other than the chairperson or a vice-chairperson is deemed to have been duly authorized by the board unless the contrary is shown.

(5) It is not necessary in or before any court, other board, commission or tribunal of competent jurisdiction to prove the signature, official position or authority of the chairperson, a vice-chairperson or other board member.

2013, c.S-15.1, s.6-96.

Executive officer

6-97(1) The chairperson is to be the executive officer of the board.

(2) Any employer, employee or union affected by any act done by the executive officer in the exercise or purported exercise of any power, or the performance of any duties, delegated pursuant to subsection 6-93(3) may apply to the board to review, set aside, amend, stay or otherwise deal with the act.

(3) On an application pursuant to subsection (2) or on its own motion, the board may exercise the powers and perform the functions of the board with respect to the delegated power in issue as if the executive officer had not acted or made that decision.

2013, c.S-15.1, s.6-97.

Investigating officer

6-98(1) The chairperson may designate one or more persons as investigating officers for the purposes of this Part.

(2) Subject to the regulations, investigating officers shall perform any duties that the chairperson or a vice-chairperson may direct.

2013, c.S-15.1, s.6-98; 2015, c.31, s.6.

Minister to provide technical support

6-99 The minister shall provide any technical, clerical and administrative assistance that the board may reasonably require.

2013, c.S-15.1, s.6-99.

Immunities and privileges of board members

6-100 The members of the board have the same privileges and immunities as a judge of the Court of Queen's Bench.

2013, c.S-15.1, s.6-100.

Annual report

6-101(1) In each fiscal year, the board shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister an annual report on the activities of the board for the preceding fiscal year.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report received by the minister pursuant to this section.

2013, c.S-15.1, s.6-101; 2014, c.E-13.1, s.62.

Content of annual report

6-102 Notwithstanding subsection 6-121(1), the annual report mentioned in section 6-101 shall include the following information:

(a) a list of all matters filed with the board;

(b) a list of all decisions rendered by the board;

(c) with respect to each decision listed:

(i) the date the matter that is the subject of the decision was initially filed;

(ii) the date the matter mentioned in subclause (i) was heard by the board;

(iii) the members of the board who heard the matter mentioned in subclause (i); and

(iv) the length of time between the last day of the hearing and the rendering of the decision; and

(d) a summary, by member, of:

(i) the number of decisions rendered;

(ii) the type of decision, whether interim or final disposition; and

(iii) the average period between the last day of a hearing and the rendering of the decision for each type of decision.

2013, c.S-15.1, s.6-102.

Subdivision 2
Board Powers and Duties

General powers and duties of board

6-103(1) Subject to subsection 6-97(3), the board may exercise those powers that are conferred and shall perform those duties that are imposed on it by this Act or that are incidental to the attainment of the purposes of this Act.

(2) Without limiting the generality of subsection (1), the board may do all or any of the following:

(a) conduct any investigation, inquiry or hearing that the board considers appropriate;

(b) make orders requiring compliance with:

(i) this Part;

(ii) any regulations made pursuant to this Part; or

(iii) any board decision respecting any matter before the board;

(c) make any orders that are ancillary to the relief requested if the board considers that the orders are necessary or appropriate to attain the purposes of this Act;

(d) make an interim order or decision pending the making of a final order or decision.

2013, c.S-15.1, s.6-103.

Board powers

6-104(1) In this section:

(a) **"former union"** means a union that has been replaced with another union or with respect to which a certification order respecting the union has been cancelled;

(b) **"replacing union"** means a union that replaces a former union.

(2) In addition to any other powers given to the board pursuant to this Part, the board may make orders:

(a) requiring an employer or a union representing the majority of employees in a bargaining unit to engage in collective bargaining;

(b) determining whether an unfair labour practice or a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board is being or has been engaged in;

(c) requiring any person to do any of the following:

(i) to refrain from contravening this Part, the regulations made pursuant to this Part or an order or decision of the board or from engaging in any unfair labour practice;

(ii) to do any thing for the purpose of rectifying a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board;

(d) requiring an employer to reinstate any employee terminated under circumstances determined by the board to constitute an unfair labour practice, or otherwise in contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board;

(e) fixing and determining the monetary loss suffered by an employee, an employer or a union as a result of a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board by one or more persons, and requiring those persons to pay to that employee, employer or union the amount of the monetary loss or any portion of the monetary loss that the board considers to be appropriate;

(f) rescinding or amending an order or decision of the board made pursuant to clause (b), (c), (d) or (e) or subsection (3), or amending a certification order or collective bargaining order in the circumstances set out in clause (g) or (h), notwithstanding that a motion, application, appeal or other proceeding respecting or arising out of the order or decision is pending in any court;

(g) amending a board order if:

(i) the employer and the union agree to the amendment; or

(ii) in the opinion of the board, the amendment is necessary;

(h) notwithstanding that a motion, application, appeal or other proceeding respecting or arising out of a certification order or collective bargaining order is pending in any court, rescinding or amending the certification order or collective bargaining order;

(i) subject to section 6-105, determining for the purposes of this Part whether any person is or may become an employee or a supervisory employee;

(j) when acting pursuant to section 6-110, relieving against breaches of time limits set out in this Part or in a collective agreement on terms that, in the opinion of the board, are just and reasonable.

(3) The board shall not certify a union or a labour organization as a bargaining agent if, in the board's opinion, the union or labour organization is dominated by an employer or a person acting on behalf of the employer.

(4) If a former union is administering or controlling any benefit plan, program or welfare trust, the board may, on application made to it, make any orders it considers appropriate:

(a) to assist in the orderly transfer or transition of the benefit plan, program or welfare trust; or

(b) to require or facilitate the continuation of benefits for employees in receipt of benefits pursuant to the benefit plan, program or welfare trust.

(5) Without restricting the generality of subsection (4), the board may:

(a) require that a benefit plan, program or welfare trust be transferred;

(b) require the former union to provide to the replacing union or the employees any documents or information required to effect the transfer of the benefit plan, program or welfare trust;

(c) require that the former union continue to administer the benefit plan, program or welfare trust with respect to those employees in receipt of benefits until:

(i) all of those employees cease to qualify for those benefits; or

(ii) the benefit plan, program or welfare trust is transferred to the replacing union;

(d) if the bargaining unit is being divided:

(i) divide the benefit plan, program or welfare trust between the different bargaining units or between the bargaining units and employees; or

(ii) divide the assets and liabilities associated with the benefit plan, program or welfare trust;

(e) require the replacing union or the employees to pay to the former union the costs of the transfer of the benefit plan, program or welfare trust in an amount determined by the board;

(6) When making an order in accordance with subsection (4) or (5), the board may declare the replacing union or one or more of the employees to be a party to a contract respecting a benefit plan, program or welfare trust in cases where the benefit plan, program or welfare trust is administered or controlled by a third party.

(7) Notwithstanding any terms of a contract respecting the benefit plan, program or welfare trust or any other Act or law, on the making of a declaration pursuant to subsection (6), the replacing union or employees are deemed to be a party to that contract.

(8) At any time after an application for the purposes of subsections (4) and (5) is made, the board may defer or dismiss the application if the board is of the opinion the issue in dispute is more properly resolved:

(a) by regulators responsible for making decisions respecting the benefit plan, program or welfare trust; or

(b) in another forum.

2013, c.S-15.1, s.6-104.

Provisional determination of employee

6-105(1) On an application made for the purposes of clause 6-104(2)(i), the board may make a provisional determination before the person who is the subject of the application actually performs the duties of the position in question.

(2) A provisional determination made pursuant to subsection (1) becomes a final determination one year after the day on which the provisional determination is made unless, before that period expires, the employer or the union applies to the board for a variation of the determination.

2013, c.S-15.1, s.6-105.

Subdivision 3
Additional Powers of Board re Applications and Orders

Power to dismiss certain applications – influence, etc., of employers

6-106 The board may reject or dismiss any application made to it by an employee or employees if it is satisfied that the application is made in whole or in part on the advice of, or as a result of influence of or interference or intimidation by, the employer or employer's agent.

2013, c.S-15.1, s.6-106.

Power to reject certain evidence

6-107 If an application is made to the board for a certification order, the board may, in its absolute discretion, reject any evidence or information tendered or submitted to it concerning any fact, event, matter or thing transpiring or occurring after the date on which that application is filed with the board in accordance with the regulations of the board.

2013, c.S-15.1, s.6-107.

Power to enforce orders and decisions

6-108(1) The board may cause a certified copy of any board order or decision to be filed in the office of a local registrar of the Court of Queen's Bench.

(2) On filing of the certified copy pursuant to subsection (1), the board order or decision is enforceable as a judgment of the Court of Queen's Bench.

(3) Notwithstanding that a board order or decision has been filed pursuant to this section, the board may rescind or vary the order or decision.

(4) On an application to the Court of Queen's Bench arising out of the failure of any person to comply with the terms of a board order or decision filed pursuant to subsection (1), the court may refer to the board any question as to the compliance or non-compliance of that person with the board order or decision.

(5) An application to enforce a board order or decision may be made to the Court of Queen's Bench by and in the name of the board, any union affected or any interested person.

(6) On an application to enforce a board order or decision, the Court of Queen's Bench:

(a) is bound by the findings of the board; and

(b) shall make any order that it considers necessary to cause every person with respect to whom the application is made to comply with the board order or decision.

(7) The board may, in its own name, appeal any judgment, decision or order of any court affecting any of its orders or decisions.

2013, c.S-15.1, s.6-108.

Power to rescind certification order obtained by fraud

6-109(1) If the board has made a certification order, any of the following who allege that the order was obtained by fraud may apply to the board at any time to rescind the order:

(a) any employee in the bargaining unit;

(b) the employer;

(c) any union claiming to represent any employees in the bargaining unit.

(2) On an application pursuant to subsection (1) and if it is satisfied that the order was obtained by fraud, the board shall rescind the order.

(3) No person shall take part in, aid, abet, counsel or procure the obtaining by fraud of an order mentioned in subsection (1).

2013, c.S-15.1, s.6-109.

Board may determine dispute on consent

6-110(1) A union representing the employees in a bargaining unit may enter into an agreement with an employer to refer a dispute or a category of disputes to the board.

(2) Two or more unions certified for an employer, or in the case of Division 13 for two or more employers, may enter into an agreement with the employer or employers to refer a dispute respecting the jurisdictional lines between or among the bargaining units to the board.

(3) On a reference made in accordance with subsection (1) or (2), the board shall hear and determine any dispute referred to it by any party to that agreement.

(4) A finding of the board as a result of a hearing pursuant to this section:

(a) is final and conclusive;

(b) is binding on the parties with respect to all matters within the legislative jurisdiction of Saskatchewan; and

(c) is enforceable as a board order made pursuant to this Part.

2013, c.S-15.1, s.6-110.

Subdivision 4
Hearings and Proceedings

Powers re hearings and proceedings

6-111(1) With respect to any matter before it, the board has the power:

(a) to require any party to provide particulars before or during a hearing or proceeding;

(b) to require any party to produce documents or things that may be relevant to a matter before it and to do so before or during a hearing or proceeding;

(c) to do all or any of the following to the same extent as those powers are vested in the Court of Queen's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise; and

(iii) to compel witnesses to produce documents or things;

(d) to administer oaths and affirmations;

(e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the board considers appropriate, whether admissible in a court of law or not;

(f) subject to the regulations made pursuant to this Part by the Lieutenant Governor in Council:

(i) to determine the form in which evidence of membership in a union or communication from employees that they no longer intend to be represented by a union is to be filed with the board on an application for certification or for cancellation; and

(ii) to refuse to accept any evidence that is not filed in the form mentioned in subclause (i);

(g) subject to the regulations made pursuant to this Part by the Lieutenant Governor in Council:

(i) to determine the time within which any party to a hearing or proceeding before the board must file or present any thing, document or information and the form in which that thing, document or information must be filed; and

(ii) to refuse to accept any thing, document or information that is not filed or presented within the time or in the form determined pursuant to subclause (i);

(h) to order preliminary hearings or procedures, including pre-hearing settlement conferences;

(i) to determine who may attend and the time, date and place of any preliminary hearing or procedure or conference mentioned in clause (h);

(j) to conduct any hearing or proceeding using a means of communication that permits the parties and the board to communicate with each other simultaneously;

(k) to adjourn or postpone the hearing or proceeding;

(l) to defer deciding any matter if the board considers that the matter could be resolved by mediation, conciliation or an alternative method of resolution;

(m) to bar from making a similar application, for any period not exceeding 12 months after the date an unsuccessful application is dismissed:

(i) an unsuccessful applicant;

(ii) any of the employees affected by an unsuccessful application;

(iii) any person or union representing the employees affected by an unsuccessful application; or

(iv) any person or organization representing the employer affected by an unsuccessful application;

(n) to refuse to entertain a similar application, for any period not exceeding 12 months after the date an unsuccessful application is dismissed, that is submitted by anyone mentioned in subclauses (m)(i) to (iv);

(o) to summarily refuse to hear a matter that is not within the jurisdiction of the board;

(p) to summarily dismiss a matter if, in the opinion of the board, there is a lack of evidence or no arguable case;

(q) to decide any matter before it without holding an oral hearing;

(r) to decide any question that may arise in a hearing or proceeding, including any question as to whether:

(i) a person is a member of a union;

(ii) a collective agreement has been entered into or is in operation; or

(iii) any person or organization is a party to or bound by a collective agreement;

(s) to require any person, union or employer to post and keep posted in a place determined by the board, or to send by any means that the board determines, any notice that the board considers necessary to bring to the attention of any employee;

(t) to enter any premises of an employer where work is being or has been done by employees, or in which the employer carries on business, whether or not the premises are those of the employer, and to inspect and view any work, material, machinery, appliances, articles, records or documents and question any person;

(u) to enter any premises of a union and to inspect and view any work, material, articles, records or documents and question any person;

(v) to order, at any time before the hearing or proceeding has been finally disposed of by the board, that:

(i) a vote or an additional vote be taken among employees affected by the hearing or proceeding if the board considers that the taking of that vote would assist the board to decide any question that has arisen or is likely to arise in the hearing or proceeding, whether or not that vote is provided for elsewhere; and

(ii) the ballots cast in any vote ordered by the board pursuant to subclause (i) be sealed in ballot boxes and not counted except as directed by the board;

(w) to enter on the premises of an employer for the purpose of conducting a vote during working hours, and to give any directions in connection with the vote that it considers necessary;

(x) to authorize any person to do anything that the board may do pursuant to clauses (a), (b), (d), (e), (i), (j), (s), (t), (u) and (w), on any terms and conditions the board considers appropriate; and

(y) to require the person authorized pursuant to clause (x) to report to the board on anything done by that person.

(2) For the purposes of this Part:

(a) an application is deemed to be pending before the board on and after the day on which it is first considered by the board at a formally constituted meeting until the day on which the decision of the board is made;

(b) a matter is deemed to be pending before a conciliation board on and after the day on which the conciliation board is established by the minister until the day on which its report is received by the minister;

(c) a matter is deemed to be pending before a special mediator on and after the day on which the special mediator is appointed by the minister until the day on which the special mediator's report is received by the minister; and

(d) a matter is deemed to be pending before a labour relations officer on and after the day on which the labour relations officer is appointed by the director of labour relations until the day on which the labour relations officer's report is received by the minister.

(3) Subject to subsection (4), the board may refuse to hear any allegation of an unfair labour practice that is made more than 90 days after the complainant knew or, in the opinion of the board, ought to have known of the action or circumstances giving rise to the allegation.

(4) The board shall hear any allegation of an unfair labour practice that is made after the deadline mentioned in subsection (3) if the respondent has consented in writing to waive or extend the deadline.

2013, c.S-15.1, s.6-111.

Proceedings not invalidated by irregularities

6-112(1) A technical irregularity does not invalidate a proceeding before or by the board.

(2) At any stage of its proceedings, the board may allow a party to amend the party's application, reply, intervention or other process in any manner and on any terms that the board considers just, and all necessary amendments must be made for the purpose of determining the real questions in dispute in the proceedings.

(3) At any time and on any terms that the board considers just, the board may amend any defect or error in any proceedings, and all necessary amendments must be made for the purpose of determining the real question or issue raised by or depending on the proceedings.

(4) Without limiting the generality of subsections (2) and (3), in any proceedings before it, the board may, on any terms that it considers just, order that the proceedings be amended:

(a) by adding as a party to the proceedings any person that is not, but in the opinion of the board ought to be, a party to the proceedings;

(b) by striking out the name of a person improperly made a party to the proceedings;

(c) by substituting the name of a person that in the opinion of the board ought to be a party to the proceedings for the name of a person improperly made a party to the proceedings; or

(d) by correcting the name of a person that is incorrectly set out in the proceedings.

2013, c.S-15.1, s.6-112.

Board may correct clerical errors

6-113 The board may, at any time, correct any clerical error in any order or decision made by the board or any officer or agent of the board.

2013, c.S-15.1, s.6-113.

Board orders or decisions binding and conclusive

6-114 In any matter or proceeding arising pursuant to this Part, a board order or decision is binding and conclusive of the matters stated in the board order or decision.

2013, c.S-15.1, s.6-114.

No appeals from board orders or decisions

6-115(1) Every board order or decision made pursuant to this Part is final and there is no appeal from that board order or decision.

(2) The board may determine any question of fact necessary to its jurisdiction.

(3) Notwithstanding subsections (1) and (2), the board may:

(a) reconsider any matter that it has dealt with; and

(b) rescind or amend any decision or order it has made.

(4) The board's decisions and findings on all questions of fact and law are not open to question or review in any court, and any proceeding before the board must not be restrained by injunction, prohibition, mandamus, *quo warranto*, *certiorari* or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court on any grounds.

2013, c.S-15.1, s.6-115.

Deadline for board decisions

6-116(1) The board shall cause every board decision to be provided to the parties within six months after the last day of the hearing unless the board is reasonably justified in requiring more time.

(2) Notwithstanding section 6-115 and subsection 6-121(1), any party to a proceeding before the board may apply to the Court of Queen's Bench for an order directing the board to provide its decision if the deadline in subsection (1) has not been met.

(3) A failure to comply with subsection (1) does not affect the validity of a decision.

2013, c.S-15.1, s.6-116.

DIVISION 17
General Matters

Industrial inquiry commission

6-117(1) On request of a union, an employer or any other person or on the minister's own initiative, the minister may:

(a) make or cause to be made inquiries that the minister considers advisable respecting labour relations matters; and

(b) subject to this Part and the regulations made pursuant to this Part, do the things the minister considers necessary to maintain and secure labour relations stability and promote conditions favourable to settlement of disputes.

(2) For any of the purposes of subsection (1), if in an industry a dispute between employers and employees exists or is likely to arise, the minister may refer the matter to an industrial inquiry commission for investigation and report.

(3) An industrial inquiry commission consists of one or more members appointed by the minister.

(4) The minister shall:

(a) establish the terms of reference for the industrial inquiry commission, including a statement of the matters to be inquired into; and

(b) if an inquiry involves particular persons or parties to a collective agreement, advise them of the appointment of the industrial inquiry commission.

(5) An industrial inquiry commission shall:

(a) inquire into the matters referred to it by the minister and endeavour to carry out its terms of reference; and

(b) report the result of its inquiries and its recommendations to the minister within 14 days after its appointment or within any further time the minister may specify.

(6) On receipt of a report of an industrial inquiry commission relating to a dispute between employers and employees, the minister shall:

(a) provide a copy of the report to each of the affected persons; and

(b) if the minister considers it advisable, publish the report in the manner considered advisable.

2013, c.S-15.1, s.6-117.

Director of labour relations

6-118(1) The minister shall appoint an employee of the ministry as director of labour relations.

(2) The director of labour relations may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Part.

(3) The director of labour relations may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.6-118.

Labour relations services

6-119(1) The minister may appoint any employees or category of employees of the ministry as labour relations officers.

(2) The director of labour relations may exercise the functions and responsibilities of a labour relations officer.

(3) When directed to do so by the minister, the director of labour relations shall appoint a labour relations officer to assist an employer and a union to resolve any dispute.

(4) The labour relations officer shall inquire, in any manner the officer considers appropriate, into the dispute and assist the parties in effecting a settlement.

2013, c.S-15.1, s.6-119.

Providing information

6-120 On the request of any person, a labour relations officer may provide information regarding the rights and responsibilities of employees, employers and unions pursuant to this Part.

2013, c.S-15.1, s.6-120.

Certain information privileged

6-121(1) Notwithstanding any other Act or law, information obtained for the purposes of this Part is not open to inspection by any person or by any court if the information is acquired by any of the following persons and was acquired in the course of the person's duties pursuant to the Part:

(a) a member of the board;

(b) a labour relations officer;

(c) the director of labour relations;

(d) a special mediator;

(e) an arbitrator with respect to an arbitration of a matter governed by this Part;

(f) a member of a conciliation board appointed pursuant to this Part;

(g) a member of an arbitration board appointed pursuant to this Part.

(2) None of the persons mentioned in subsection (1) shall be required by any court or the board to give evidence about information obtained for the purposes of this Part in the course of his or her duties.

2013, c.S-15.1, s.6-121.

Lieutenant Governor in Council may declare certain Acts of Parliament to apply

6-122(1) The Lieutenant Governor in Council may, by order, declare that any Act of the Parliament of Canada and any order of the Governor General in Council, whether enacted or made before, on or after the date of the Lieutenant Governor in Council's order, relating to matters dealt with by this Part is to apply in place of this Part with respect to:

(a) the employees employed in or in connection with any work, undertaking or business in Saskatchewan or in any part of the work, undertaking or business; and

(b) the employer or employers of the employees mentioned in clause (a).

(2) An order made pursuant to subsection (1) must be published in *The Saskatchewan Gazette*.

(3) An order made pursuant to subsection (1) comes into force:

(a) on the date on which it is published in *The Saskatchewan Gazette*; or

(b) on any later date that is set out in the order.

(4) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an agreement with the Government of Canada, or any other person or persons duly authorized by the Government of Canada, to provide for the administration of any Act of the Parliament of Canada and of any order of the Governor General in Council mentioned in subsection (1) that are declared to apply to Saskatchewan pursuant to subsection (1).

2013, c.S-15.1, s.6-122.

Offences and penalties

6-123(1) No employer, employee or other person shall:

(a) intentionally delay or obstruct a labour relations officer or investigating officer in the exercise of any power or duty given to the officer pursuant to this Part;

(b) fail to reasonably cooperate with a labour relations officer or investigating officer in the exercise of any of his or her powers or the performance of any of his or her duties;

(c) fail to produce to the board any books, records, papers, documents, payrolls, contracts of employment or other record of employment that the employer, employee or other person is required to produce;

(d) make a complaint to the board knowing it to be untrue;

(e) fail to comply with a board order; or

(f) fail to comply with any other provision of this Part or the regulations made pursuant to this Part.

(2) Every person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction:

(a) if the contravention is with respect to a lockout, to a fine not exceeding $1,000 for each day that the lockout continues;

(b) if the contravention is with respect to a strike, to a fine not exceeding $1,000 for each day that the strike continues;

(c) with respect to any contravention other than one mentioned in clause (a) or (b):

(i) in the case of an individual, to a fine not exceeding $5,000; or

(ii) in the case of a corporation, union or other person, to a fine not exceeding $100,000.

2013, c.S-15.1, s.6-123.

Attorney General's permission re prosecutions required

6-124 No prosecution for an offence pursuant to this Part shall be commenced without the consent in writing of the Attorney General.

2013, c.S-15.1, s.6-124.

Regulations for Part

6-125 The Lieutenant Governor in Council may make regulations:

(a) for the purposes of Division 14:

(i) designating a person to be the designated employers' organization;

(ii) imposing terms and conditions that the designated employers' organization shall comply with in carrying out its duties and exercising its powers;

(iii) prescribing principles that the board is required to consider when determining or changing any multi-employer bargaining units in the health sector;

(iv) prescribing circumstances in which a member of the Executive Council or a prescribed person may intervene in any application before the board respecting a health sector employer or in any other matter governed by that Division;

(v) prescribing any other matter or thing the Lieutenant Governor in Council considers necessary for the purposes of that Division;

(b) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.6-125.

Board regulations

6-126 The board may make regulations:

(a) prescribing rules of procedure for matters before the board, including preliminary procedures;

(b) prescribing forms that are consistent with this Part and any other regulations made pursuant to this Part;

(c) prescribing any other matter or thing that the board is required or authorized by this Part to prescribe by regulation.

2013, c.S-15.1, s.6-126.

DIVISION 18
Transitional

Transitional matters

6-127(1) In this section, **"former Acts"** means:

(a) *The Construction Industry Labour Relations Act, 1992* as that Act existed on the day before the coming into force of this section;

(b) *The Trade Union Act* as that Act existed on the day before the coming into force of this section;

(c) *The Health Labour Relations Reorganization Act* as that Act existed on the day before the coming into force of this section;

(d) *The Fire Departments Platoon Act* as that Act existed on the day before the coming into force of this section.

(2) Every person who was a member of the board on the day before the coming into force of this section continues as a member of the board until he or she is reappointed to the board, or another person is appointed in his or her place, in accordance with this Part.

(3) Every order, declaration, approval and decision of the board made pursuant to the former Acts continues in force as if made by the board pursuant to this Part and may be enforced and otherwise dealt with as if made pursuant to this Part.

(4) Every board of conciliation that was appointed pursuant to section 22 of *The Trade Union Act*, as that Act existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues pursuant to this Part as if it were appointed pursuant to this Part, and every person who was a member of a board of conciliation whose term of appointment had not expired on the day on which this section comes into force continues as a member as if appointed pursuant to this Part.

(5) Every arbitrator, board of arbitration or arbitration board that was appointed pursuant to *The Trade Union Act* or *The Fire Departments Platoon Act*, as those Acts existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues in office and may continue the arbitration in accordance with this Part as if the arbitrator, board of arbitration or arbitration board were appointed pursuant to this Part.

(6) All agreements, instruments and other documents that were filed with the board or the minister pursuant to the former Acts are deemed to have been filed pursuant to this Part and may be dealt with pursuant to this Part as if filed pursuant to this Part.

(7) Every special mediator who was appointed pursuant to *The Trade Union Act*, as that Act existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues in office and may continue his or her duties and exercise his or her powers in accordance with this Part as if he or she were appointed pursuant to this Part.

(8) A trade division determined by the minister to be an appropriate trade division for the purpose of *The Construction Industry Labour Relations Act, 1992*, as that Act existed on the day before the coming into force of this section is continued and may be dealt with pursuant to this Part as if the division had been established pursuant to this Part.

(9) The representative employers' organizations listed in Column 1 of the Schedule to *The Construction Industry Labour Relations Act, 1992*, as that Act existed on the day before the coming into force of this section:

(a) are continued as representative employers' organizations for the unionized employers in the trade divisions referenced in Column 2 of the Schedule to that Act; and

(b) within 60 days after the coming into force of this section, the board shall issue orders that designate the representative employers' organizations listed in Column 1 of the Schedule to that Act for the trade divisions listed in Column 2.

(10) The Lieutenant Governor in Council may make regulations respecting any matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transition from the former Acts to this Part, including:

(a) suspending the application of any provision of this Part; and

(b) declaring that provisions of any of the former Acts are to apply to persons or any category of persons and respecting the conditions on which provisions of the former Act are to apply.

(11) If there is any conflict between the regulations made pursuant to subsection (10) and any other provision of this Act or any other Act or law, the regulations made pursuant to this section prevail.

2013, c.S-15.1, s.6-127.

PART VII
Essential Services

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

7-1(1) In this Part:

(a) **"collective bargaining"** means collective bargaining as defined in Part VI and includes collective bargaining with a view to concluding an essential services agreement;

(b) **"employee"** means an employee, as defined in Part VI, who is an employee of a public employer and who is represented by a union;

(c) **"essential services agreement"** means an agreement concluded pursuant to section 7-3 and includes an agreement mentioned in subsection (2);

(d) **"essential services employee"** means an employee who is described in section 7-23;

(e) **"last collective agreement"** means the collective agreement last in effect between a public employer and a union before a work stoppage;

(f) **"public employer"** means:

(i) an employer that:

(A) is defined in Part VI; and

(B) provides an essential service to the public; or

(ii) any employer, person, agency or body, or class of employers, persons, agencies or bodies, that:

(A) is prescribed; and

(B) provides an essential service to the public;

(g) **"tribunal"** means an essential services tribunal established pursuant to section 7-7 or 7-14;

(h) **"union"** means a union, as defined in Part VI, that represents employees of a public employer;

(i) **"work schedule"** means a work schedule or modified work schedule provided by a public employer to a union in accordance with this Part;

(j) **"work stoppage"** means a lockout or strike as defined in Part VI.

(2) Every agreement respecting essential services that is in effect on the day on which this Part comes into force:

(a) remains in effect; and

(b) may be dealt with pursuant to this Part as if it were concluded pursuant to this Part.

2015, c.31, s.8.

Application of Part

7-2(1) This Part applies to every public employer, every union and every employee.

(2) This Part prevails if there is any conflict between this Part and:

(a) any other Part of this Act;

(b) any other Act, regulation or law; or

(c) any arbitral or other award or decision.

2015, c.31, s.8.

DIVISION 2
Essential Services Agreements

Negotiation of essential services agreement

7-3(1) If a public employer and union have not concluded an essential services agreement and the minister and the parties have received a report from a labour relations officer, special mediator or conciliation board pursuant to clause 6-33(7)(c) that a dispute between the parties has not been settled, the public employer and the union shall engage in collective bargaining with a view to concluding an essential services agreement as soon as is reasonably possible after receiving that report.

(2) Nothing in this section is to be interpreted as preventing a public employer and union from concluding an essential services agreement at any time.

2015, c.31, s.8.

Contents of essential services agreement

7-4(1) An essential services agreement must consist of at least the following:

(a) provisions that identify the essential services that are to be maintained during a work stoppage;

(b) provisions that set out the classifications of employees who must work during a work stoppage to maintain essential services;

(c) provisions that set out the number of positions in each classification mentioned in clause (b) who must work during a work stoppage to maintain essential services;

(d) provisions that set out the manner of determining the locations or number of locations where the positions mentioned in clause (b) are required to work;

(e) provisions that set out the manner of identifying and informing the employees who must work during a work stoppage;

(f) provisions that set out the procedures that must be followed to respond to an unanticipated increase or decrease in the need for essential services during a work stoppage;

(g) provisions that set out the procedures that must be followed to respond to an emergency during a work stoppage;

(h) provisions that set out the procedures that must be followed to resolve disputes respecting changes to the agreement;

(i) any other prescribed provisions.

(2) For the purposes of clause (1)(c), the number of positions is to be determined having regard to the availability of other qualified persons who are in the employ of the public employer and who are not members of the bargaining unit.

2015, c.31, s.8.

Prohibition on work stoppage without essential services agreements, etc.

7-5 Notwithstanding Part VI, no public employer shall engage in a lockout and no union shall engage in a strike unless there is:

(a) an essential services agreement between the parties; or

(b) a decision of a tribunal pursuant to section 7-8 or 7-10.

2015, c.31, s.8.

DIVISION 3
No Essential Services Agreement

Notice of impasse

7-6(1) If, in the opinion of a public employer or a union, collective bargaining to conclude an essential services agreement has reached a point where agreement cannot be achieved, the public employer or union shall serve a written notice that an impasse has been reached on:

(a) the chairperson of the board;

(b) the minister; and

(c) the other party.

(2) No written notice mentioned in subsection (1) must be served until the period mentioned in subclause 6-33(7)(d)(ii) has expired.

(3) The written notice mentioned in subsection (1) must contain the name of the person whom the party giving the notice appoints to the tribunal.

(4) Within three days after receiving the written notice mentioned in subsection (1), the other party shall serve on the first party, the chairperson of the board and the minister a written notice naming the person whom it appoints to the tribunal.

2015, c.31, s.8.

Essential services tribunal

7-7(1) On receipt of the parties' appointments to the tribunal, the chairperson of the board shall appoint the chairperson or a vice-chairperson of the board as the chairperson of the tribunal.

(2) No person is eligible to be appointed as a member of a tribunal or to act as a member of a tribunal if the person:

(a) has a pecuniary interest in a matter before the tribunal; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to the tribunal, acted as lawyer or agent of any of the parties.

(3) The tribunal shall:

(a) hear:

(i) evidence presented relating to the dispute; and

(ii) argument by the parties or their lawyers or agents; and

(b) make a decision respecting the matters mentioned in subsection 7-8(3) that are the subject of the dispute.

(4) The decision of the majority of the members of a tribunal or, if there is no majority decision, the decision of the chairperson of the tribunal is the decision of the tribunal.

(5) In exercising its powers and fulfilling its responsibilities pursuant to this Part, a tribunal may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the tribunal.

(6) The decision of the tribunal pursuant to this Division:

(a) is final and conclusive; and

(b) is binding on the parties.

(7) The public employer and the union shall bear their own costs of the tribunal and the remuneration and expenses of the member of the tribunal that it has appointed.

2015, c.31, s.8.

Period within which tribunal must commence hearing and make a decision

7-8(1) Within seven days after the appointment of the chairperson of the tribunal, the tribunal shall commence hearings.

(2) A hearing of the tribunal must conclude within 60 days after the date on which the hearing commenced or any longer period that the tribunal considers necessary.

(3) Within 14 days after the conclusion of its hearing, the tribunal shall issue a decision on the following:

(a) the essential services that must be maintained during the work stoppage;

(b) the classifications of employees who must work during the work stoppage to maintain essential services;

(c) the number of positions in each classification who must work during a work stoppage to maintain essential services;

(d) the locations or number of locations where work must be performed during the work stoppage;

(e) the procedures that must be followed to respond to an emergency during a work stoppage.

(4) As soon as possible after issuing its decision, the tribunal shall cause a copy of the decision to be served on the public employer, the union and the minister.

(5) In accordance with the decision of the tribunal pursuant to this section, the public employer shall provide the union with a work schedule that sets out the matters covered by the decision.

(6) On receipt of a work schedule from the public employer pursuant to subsection (5), the union shall immediately:

(a) identify the employees within each classification mentioned in the work schedule who must work during the work stoppage to maintain essential services;

(b) provide to each employee identified pursuant to clause (a) his or her work schedule;

(c) provide to each employee identified pursuant to clause (a) a list of the essential services that are to be performed; and

(d) provide to the public employer a list containing the name and the classification of each employee who is identified pursuant to clause (a), the essential services that are to performed by each employee and the location where each employee will perform those essential services.

(7) Subject to section 7-22, if the tribunal issues a decision pursuant to this section or section 7-10 determining that all employees of the public employer are employees who must work during a work stoppage:

(a) the tribunal shall, in its decision, declare that any exercise of the right to strike or lock out would be substantially interfered with; and

(b) after the tribunal makes a declaration pursuant to clause (a):

(i) no public employer that is subject to the decision shall engage in a lockout and no union that is subject to the decision shall declare or authorize a strike; and

(ii) the minister shall give notice to the public employer and the union that all matters in dispute respecting the collective agreement must be resolved by mediation-arbitration in accordance with Division 4, and that Division applies, with any necessary modification, to resolving those matters in dispute.

2015, c.31, s.8.

Public employer or union may apply for further decisions

7-9(1) If there is a change in circumstances after a decision pursuant to this Division has been issued, the public employer or the union may apply to the tribunal that made the decision for a decision to amend, rescind or rescind and replace the decision.

(2) A hearing of the tribunal pursuant to this section must commence within two days after an application is made and must conclude within 14 days after the date on which the hearing commenced or any longer period that the tribunal considers necessary.

(3) Subsections 7-7(3) to (7) apply, with any necessary modification, to an application pursuant to this section.

2015, c.31, s.8.

Period within which further decision must be made

7-10 Within 14 days after the conclusion of its hearing pursuant to section 7-9, the tribunal shall issue a decision:

(a) confirming the decision issued pursuant to this Division; or

(b) amending, rescinding or rescinding and replacing the decision issued pursuant to this Division.

2015, c.31, s.8.

Matters respecting further decision

7-11 As soon as possible after issuing a decision pursuant to section 7-10, the tribunal shall cause a copy of its decision to be served on the public employer, the union and the minister.

2015, c.31, s.8.

Effect of decision

7-12(1) If the tribunal, pursuant to section 7-10, varies all or any of the following, the public employer shall modify the last work schedule provided pursuant to this Division to reflect those variations:

(a) the identification of services as essential services that must be maintained during the work stoppage;

(b) the classifications of employees who must work during the work stoppage to maintain essential services;

(c) the number of positions in one or more classifications who must work during the work stoppage to maintain essential services;

(d) the locations or number of locations where work must be performed during the work stoppage.

(2) The public employer shall provide the work schedule as modified pursuant to subsection (1) to the union.

(3) On receipt of a work schedule from the public employer pursuant to subsection (2), the union shall immediately:

(a) identify the employees within each classification mentioned in the work schedule who must work during the work stoppage to maintain essential services;

(b) provide to each employee identified pursuant to clause (a) his or her work schedule;

(c) provide to each employee identified pursuant to clause (a) a list of the essential services that are to be performed; and

(d) provide to the public employer a list containing the name and the classification of each employee who is identified pursuant to clause (a), the essential services that are to be performed by each employee and the location where each employee will perform those essential services.

When decision is effective

7-13 A decision of the tribunal issued pursuant to this Division is effective 48 hours after the public employer and the union are served with the decision.

2015, c.31, s.8.

DIVISION 4
If Lockout or Strike is Substantially Interfered With

Procedures if lockout or strike is substantially interfered with

7-14(1) Subject to section 7-22, on the application of the public employer or the union, the tribunal that issued a decision pursuant to Division 3 may issue a decision determining whether or not the level of activity to be continued in compliance with the decision substantially interferes with the exercise of the right to strike or lock out.

(2) Subject to section 7-22, if the parties have an essential services agreement and either the public employer or the union is of the opinion that the level of activity to be continued in compliance with the essential services agreement substantially interferes with the exercise of the right to strike or lock out, that party shall serve a written notice stating that opinion on the other party, the minister and the chairperson of the board.

(3) The written notice mentioned in subsection (2) must contain the name of the person whom the party giving the notice appoints to the tribunal.

(4) Within three days after receiving the written notice mentioned in subsection (2), the other party receiving the notice shall serve on the first party, the chairperson of the board and the minister a written notice naming the person whom it appoints to the tribunal.

(5) Section 7-7 applies, with any necessary modification, to establishing a tribunal and to the tribunal that is established pursuant to this section.

(6) The tribunal shall:

(a) determine whether or not the level of activity to be continued in compliance with an essential services agreement, or a decision issued pursuant to Division 3, substantially interferes with the exercise of the right to strike or lock out; and

(b) cause a copy of its decision to be served on the public employer, the union and the minister.

(7) If the tribunal makes a declaration that the level of activity to be continued in compliance with an essential services agreement, or a decision issued pursuant to Division 3, substantially interferes with the exercise of the right to strike or lock out:

(a) no public employer or union that is subject to the decision shall fail, on being served with a copy of the decision, to immediately cease any work stoppage; and

(b) the minister shall give notice to the public employer and the union that all matters in dispute respecting the collective agreement that is the subject of the strike or lockout must be resolved by mediation-arbitration in accordance with this Division.

(8) Within seven days after receipt of the notice mentioned in clause (7)(b) or subclause 7-8(7)(b)(ii), the public employer and the union shall each provide the minister with:

(a) the name of the person that each intends to appoint to the mediation-arbitration board; or

(b) a written agreement in which the parties have agreed to submit the matters in dispute to a single mediator-arbitrator in accordance with sections 7-18 to 7-20.

(9) Notwithstanding subsections (1) to (8) but subject to section 7-22, if the public employer and union agree that the level of activity to be continued in compliance with an essential services agreement or a decision issued pursuant to Division 3 substantially interferes with the exercise of the right to strike or lock out, the parties may agree to resolve all the matters in dispute by mediation-arbitration in accordance with this Division.

(10) If the parties agree pursuant to subsection (9) to submit matters in dispute to mediation-arbitration, they shall each provide the minister with:

(a) the name of the person that each intends to appoint to the mediation-arbitration board; or

(b) a written agreement in which the parties have agreed to submit the matters in dispute to a single mediator-arbitrator in accordance with sections 7-18 to 7-20.

2015, c.31, s.8.

Mediation-arbitration to conclude a collective agreement – mediation-arbitration board

7-15(1) If there is no written agreement mentioned in clause 7-14(8)(b) or (10)(b), within three days after the members of the mediation-arbitration board have been appointed by the parties, the two appointees shall appoint a third member of the mediation-arbitration board, who is to be the chairperson of the mediation-arbitration board.

(2) If the two appointees named by the parties fail to agree on the appointment of a third member of the mediation-arbitration board within the three-day period mentioned in subsection (1), the minister, on the request of a party, shall appoint the third member.

(3) The member of the mediation-arbitration board appointed pursuant to subsection (2) is the chairperson of the mediation-arbitration board.

(4) No person is eligible to be appointed as a member of a mediation-arbitration board or shall act as a member of a mediation-arbitration board if the person:

(a) has a pecuniary interest in a matter before the mediation-arbitration board; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to mediation-arbitration, acted as lawyer or agent of any of the parties to the mediation-arbitration.

Mediation by mediation-arbitration board

7-16(1) Within seven days after the date on which the last member of the mediation-arbitration board is appointed, the mediation-arbitration board shall commence to assist the parties in resolving the matters of the collective agreement in dispute.

(2) If a mediation-arbitration board determines that the parties are unable to resolve the matters of the collective agreement in dispute, the chairperson of the mediation-arbitration board shall provide notice to the public employer, union and the minister of a failure to resolve the matters.

2015, c.31, s.8.

Arbitration by mediation-arbitration board

7-17(1) If notice has been provided pursuant to subsection 7–16(2), the public employer and the union shall, within three days after receiving the notice, each:

(a) submit to the mediation-arbitration board a notice in writing setting out:

(i) a list of the matters agreed on by both parties; and

(ii) a list of the matters remaining in dispute; and

(b) provide a copy of the written notice to the other party.

(2) Within three days after receiving a written notice pursuant to subsection (1), the other party shall provide its written response to the mediation-arbitration board and the party submitting the written notice.

(3) The mediation-arbitration board shall commence the arbitration when:

(a) the mediation-arbitration board has received the written notices pursuant to subsection (1); and

(b) either:

(i) the mediation-arbitration board has received the written responses pursuant to subsection (2); or

(ii) the three-day period mentioned in that subsection has expired.

(4) The mediation-arbitration board may engage the services of any person that it considers necessary to assist in the arbitration.

(5) The mediation-arbitration board shall determine the procedures to be followed, while ensuring that the public employer and the union are given full opportunity to:

(a) present evidence related to the dispute;

(b) make submissions; and

(c) be represented by a lawyer or agent.

(6) A mediation-arbitration board may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the mediation-arbitration board.

(7) If the public employer and the union have settled all matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section and entered into a new collective agreement, the mediation-arbitration board, on being so notified in writing by both the public employer and the union, shall:

(a) discontinue the mediation-arbitration; and

(b) notify the minister of the agreement.

(8) The mediation-arbitration is terminated when the mediation-arbitration board notifies the minister pursuant to subsection (7) of the new collective agreement entered into by the public employer and the union.

(9) If the public employer and the union agree on some of the matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section and the mediation-arbitration board is notified in writing by both the public employer and the union of the matters agreed on, the mediation-arbitration board shall confine the award to:

(a) the matters set out in the notices and responses that are not agreed on; and

(b) any other matters that appear to the mediation-arbitration board to be necessary to be decided in order to make an award.

(10) With respect to the matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section on which the public employer and the union have not agreed, the mediation-arbitration board shall make an award in writing within:

(a) 60 days after the date on which the third member of the mediation-arbitration board was appointed pursuant to section 7-15; or

(b) any longer period that the mediation-arbitration board considers necessary.

(11) The decision of the majority of the members of the mediation-arbitration board or, if there is no majority decision, the decision of the chairperson of the mediation-arbitration board is the award of the mediation-arbitration board.

(12) The award of the mediation-arbitration board pursuant to this section:

(a) is final and conclusive; and

(b) is binding on the parties.

(13) The public employer and the union shall:

(a) bear their own costs of the mediation-arbitration;

(b) pay the remuneration and expenses of the member of the mediation-arbitration board that it has appointed; and

(c) pay an equal share of the remuneration and expenses of a person appointed pursuant to subsection 7-15(1) or (2) as the third member of the mediation-arbitration board.

(14) When the mediation-arbitration board has made an award pursuant to this section, it shall cause a copy of the award to be served on the public employer, the union and the minister.

(15) When the mediation-arbitration board has made an award pursuant to this section, the public employer and the union shall immediately conclude a new collective agreement incorporating any provisions, terms and conditions that may be necessary to give full effect to the mediation-arbitration board's award.

2015, c.31, s.8.

Mediation-arbitration to conclude a collective agreement – single mediator-arbitrator

7-18(1) If the public employer and union have entered into a written agreement pursuant to clause 7-14(8)(b) or (10)(b) to submit the matters in dispute to a single mediator-arbitrator, they shall provide a copy of the written agreement to the minister that includes the name of the person to act as mediator-arbitrator within seven days after entering into the agreement.

(2) No person is eligible to be appointed as a single mediator-arbitrator or shall act as a single mediator-arbitrator if the person:

(a) has a pecuniary interest in a matter before the mediator-arbitrator; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to mediation-arbitration, acted as lawyer or agent of any of the parties to the mediation-arbitration.

2015, c.31, s.8.

Mediation by single mediator-arbitrator

7-19(1) Within seven days after the date on which the minister receives a copy of the written agreement pursuant to section 7-18, the single mediator-arbitrator shall commence to assist the parties in resolving the matters of the collective agreement in dispute.

(2) If the single mediator-arbitrator determines that the parties are unable to resolve the matters of the collective agreement in dispute, the single mediator-arbitrator shall provide notice to the public employer, union and the minister of a failure to resolve the matters.

2015, c.31, s.8.

Arbitration by single mediator-arbitrator

7-20(1) If notice has been provided pursuant to subsection 7-19(2), the public employer and the union shall, within three days after receiving the notice, each:

(a) submit to the single mediator-arbitrator a notice in writing setting out:

(i) a list of the matters agreed on by both parties; and

(ii) a list of the matters remaining in dispute; and

(b) provide a copy of the written notice to the other party.

(2) Within three days after receiving a written notice pursuant to subsection (1), the other party shall provide its written response to the single mediator-arbitrator and the party submitting the written notice.

(3) The single mediator-arbitrator shall commence the arbitration when:

(a) the single mediator-arbitrator has received the written notices pursuant to subsection (1); and

(b) either:

(i) the single mediator-arbitrator has received the written responses pursuant to subsection (2); or

(ii) the three-day period mentioned in that subsection has expired.

(4) The single mediator-arbitrator may engage the services of any person that the single mediator-arbitrator considers necessary to assist in the arbitration.

(5) The single mediator-arbitrator shall determine the procedures to be followed, while ensuring that the public employer and the union are given full opportunity to:

(a) present evidence relating to the dispute;

(b) make submissions; and

(c) be represented by a lawyer or agent.

(6) A single mediator-arbitrator may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the single mediator-arbitrator.

(7) If the public employer and the union have settled all the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section and entered into a new collective agreement, the single mediator-arbitrator, on being so notified in writing by both the public employer and the union, shall:

(a) discontinue the mediation-arbitration; and

(b) notify the minister of the agreement.

(8) The mediation-arbitration is terminated when the single mediator-arbitrator notifies the minister pursuant to subsection (7) of the new collective agreement entered into by the public employer and the union.

(9) If the public employer and the union agree on some of the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section and the single mediator-arbitrator is notified in writing by both the public employer and the union of the matters agreed on, the single mediator-arbitrator shall confine the award to:

(a) the matters set out in the notices and responses that are not agreed on; and

(b) any other matters that appear to the single mediator-arbitrator to be necessary to be decided in order to make an award.

(10) With respect to the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section on which the public employer and the union have not agreed, the single mediator-arbitrator shall make an award in writing within:

(a) 60 days after the date on which the single mediator-arbitrator was appointed; or

(b) any longer period that the single mediator-arbitrator considers necessary.

(11) The award of the single mediator-arbitrator pursuant to this section:

(a) is final and conclusive; and

(b) is binding on the parties.

(12) The public employer and the union shall:

(a) bear their own costs of the mediation-arbitration; and

(b) pay an equal share of the remuneration and expenses of the single mediator-arbitrator.

(13) When the single mediator-arbitrator has made an award pursuant to this section, the single mediator-arbitrator shall cause a copy of the award to be served on the public employer, the union and the minister.

(14) When the single mediator-arbitrator has made an award pursuant to this section, the public employer and the union shall immediately conclude a new collective agreement incorporating any provisions, terms and conditions that may be necessary to give full effect to the single mediator-arbitrator's award.

2015, c.31, s.8.

Matters to be considered by mediation-arbitration board or single mediator-arbitrator

7-21 In making an award pursuant to this Division, a mediation-arbitration board or single mediator-arbitrator:

(a) shall consider, for the period with respect to which the collective agreement between the public employer and the union will be in force, the following:

(i) wages and benefits in private and public, and unionized and non-unionized, employment;

(ii) the continuity and stability of private and public employment, including:

(A) employment levels and incidence of layoffs;

(B) incidence of employment at less than normal working hours; and

(C) opportunity for employment;

(iii) the general economic conditions in Saskatchewan; and

(b) may consider, for the period with respect to which the collective agreement between the public employer and union will be in force, the following:

(i) the terms and conditions of employment in similar occupations outside the public employer's employment taking into account any geographic, industrial or other variations that the mediation-arbitration board or single mediator-arbitrator considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the public employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that the mediation-arbitration board or single mediator-arbitrator considers relevant to the matters in dispute.

2015, c.31, s.8.

Multi-employer bargaining units

7-22(1) In this section:

"multi-employer bargaining units" means bargaining units established pursuant to Division 14 of Part VI;

"substantial interference declaration or agreement" means a declaration pursuant to section 7-8, 7-9 or 7-14 that a right to strike or lock out has been substantially interfered with or an agreement pursuant to subsection 7-14(9) to refer matters in dispute to mediation-arbitration.

(2) A substantial interference declaration or agreement respecting a dispute involving one or more bargaining units within multi-employer bargaining units must be made with respect to all bargaining units within the multi-employer bargaining units for which the union is engaged in collective bargaining.

(3) An application to the tribunal pursuant to section 7-14 with respect to a dispute involving one or more bargaining units within multi-employer bargaining units may be made by a person who is the bargaining agent for public employers in the multi-employer bargaining units.

(4) This Division applies, with any necessary modification, to multi-employer bargaining units.

2015, c.31, s.8.

DIVISION 5
General Matters re Part

Determination of essential services employees

7-23 Every employee who is required to work in accordance with an essential services agreement, or who is identified as an employee who must work during a work stoppage by his or her union in accordance with the provisions of this Part, is deemed to be an essential services employee during those times that the employee is scheduled to perform those essential services.

2015, c.31, s.8.

Obligations of public employers

7-24 No public employer shall authorize, declare or cause a lockout of essential services employees.

2015, c.31, s.8.

Obligations of unions

7-25(1) No union shall authorize, declare or cause a strike of essential services employees.

(2) No union and no person acting on behalf of the union shall, in any manner:

(a) discipline any essential services employee for the reason that the essential services employee complies with this Part; or

(b) direct, authorize or counsel another person to discipline any essential services employee for the reason that the essential services employee complies with this Part.

2015, c.31, s.8.

No person or union to prevent compliance with this Part

7-26 No person or union shall in any manner impede or prevent or attempt to impede or prevent any essential services employee from complying with this Part.

2015, c.31, s.8.

No person or union to aid, abet or counsel non-compliance with this Part

7-27 No person or union shall do or omit to do anything for the purpose of aiding, abetting or counselling any essential services employee not to comply with this Part.

2015, c.31, s.8.

Unfair labour practices re Part

7-28(1) It is an unfair labour practice for a public employer or a union to fail or refuse to engage in collective bargaining with a view to concluding an essential services agreement.

(2) It is an unfair labour practice for a public employer to not take into consideration qualified persons who are in the employ of the public employer and who are not members of the bargaining unit when determining the number of positions in a classification who must work during the work stoppage to maintain essential services.

(3) It is an unfair labour practice for a union to not identify qualified employees when identifying the employees who must work during the work stoppage to maintain essential services.

(4) Part VI applies, with any necessary modification, to an unfair labour practice pursuant to this section.

2015, c.31, s.8.

Essential services employees to continue or resume essential services

7-29(1) If there is a work stoppage:

(a) every essential services employee shall, during those times that the essential services employee is scheduled to work, continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by that employee in accordance with the terms and conditions of the last collective agreement, if any;

(b) the public employer shall, during those times that the essential services employee is scheduled to work, permit or authorize each of its essential services employees to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by those employees in accordance with the terms and conditions of the last collective agreement, if any; and

(c) every person who is authorized on behalf of the union to bargain collectively with the public employer shall give notice to the essential services employees that they must, during those times that the essential services employees are scheduled to work, continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by those employees in accordance with the terms and conditions of the last collective agreement, if any.

(2) If there is a work stoppage, no essential services employee shall, without lawful excuse, fail, during those times that the essential services employee is scheduled to work, to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by him or her.

(3) Neither the public employer nor any person acting on behalf of the public employer shall, without lawful excuse, refuse to permit or authorize, or direct or authorize another person to refuse to permit or authorize, any essential services employee, during those times that the essential services employee is scheduled to work, to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage.

2015, c.31, s.8.

Copies of essential services agreements to be filed with minister

7-30(1) Each of the parties to an essential services agreement shall file one copy of the agreement with the minister.

(2) Section 6-44 applies, with any necessary modification, for the purposes of this section.

2015, c.31, s.8.

Termination of essential services agreement

7-31(1) An essential services agreement continues until it is terminated in accordance with this section.

(2) A party to an essential services agreement may terminate the essential services agreement only if:

(a) the parties have a collective agreement; and

(b) there are at least 120 days left before the expiry of the collective agreement.

(3) A party may terminate an essential services agreement pursuant to subsection (2) by giving the other party written notice.

(4) Nothing in this section affects the obligation of a public employer and a union to engage in collective bargaining with a view to concluding an essential services agreement in accordance with section 7-3.

2015, c.31, s.8.

Requirements for work schedules

7-32 Each work schedule must cover at least one week.

2015, c.31, s.8.

***The Arbitration Act,* *1992* not to apply**

7-33 *The Arbitration Act, 1992* does not apply to any arbitration pursuant to this Part.

2015, c.31, s.8.

Change in membership of tribunal

7-34(1) A public employer or union that has appointed a member of a tribunal may, at any time, rescind the appointment and, if it rescinds an appointment, shall appoint a new member to the tribunal.

(2) A public employer or union that replaces its appointment shall serve written notice of the name of the new member on the other party, the chairperson of the board and the minister as soon as possible after it makes the new appointment.

2015, c.31, s.8.

Offences and penalties re Part

7-35(1) No public employer, union, essential services employee or other person shall fail to comply with this Part, the regulations made pursuant to this Part or a decision or award of the board, a tribunal, a mediation-arbitration board or a single mediator-arbitrator made pursuant to this Part.

(2) Every public employer, union, essential services employee or other person who contravenes any provision of this Part, the regulations made pursuant to this Part or a decision or award of the board, a tribunal, a mediation-arbitration board or a single mediator-arbitrator made pursuant to this Part is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by a public employer or a union or by a person acting on behalf of a public employer or a union, to a fine of not more than $100,000 and, in the case of a continuing offence, to a further fine of $10,000 for each day or part of a day during which the offence continues; and

(b) in the case of an offence committed by any person other than one described in clause (a), to a fine of not more than $1,000 and, in the case of a continuing offence, to a further fine of $400 for each day or part of a day during which the offence continues.

2015, c.31, s.8.

Regulations for Part

7-36 The Lieutenant Governor in Council may make regulations:

(a) prescribing any employer, person, agency or body, or class of employers, persons, agencies or bodies, for the purposes of paragraph 7-1(1)(f)(ii)(A);

(b) for the purposes of clause 7-4(1)(i), prescribing other provisions that must be included in an essential services agreement, including prescribing the contents of those provisions;

(c) prescribing any other matter or thing that is authorized or required by this Part to be prescribed in the regulations;

(d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part

2013, c.S-15.1, s.8-5; 2015, c.31, s.8.

PART VIII
Labour-Management Actions (Temporary Measures During an Election)

Interpretation of Part

8-1 In this Part:

(a) **"contract"** means a contract for services;

(b) **"during an election"** or **"during the election"** means the period commencing on the day on which the writs of election for a general election are issued pursuant to *The Election Act, 1996* and ending on the eighth day following the returns to the writs;

(c) **"employee"** means an employee who is a member of a labour organization;

(d) **"employer"** means an employer of an employee and includes an employer as defined in Part VI;

(e) **"judge"** means a judge of the Court of Queen's Bench;

(f) **"labour organization"** means a labour organization that represents employees and includes a union as defined in Part VI;

(g) **"lockout"** means a lockout as defined in Part VI;

(h) **"order"** means an order made pursuant to section 8-2;

(i) **"service provider"** means a person who is a member of a group of persons mentioned in subclause (k)(iii);

(j) **"strike"** means a strike as defined in Part VI;

(k) **"work stoppage"** means:

(i) a strike, work slow-down or failure to perform the usual duties of employment by an employee;

(ii) a lockout declared by an employer of an employee;

(iii) a work slow-down or failure to perform the requirements of an existing or expired contract by a group of persons in combination or in concert or in accordance with a common understanding for the purpose of compelling another party to an existing or expired contract to agree to the terms of a new contract or an amendment to a contract; or

(iv) a refusal by a person who has a contract with a service provider to permit the service provider to continue or to resume his or her duties in accordance with the contract.

2013, c.S-15.1, s.8-1.

Order of the Lieutenant Governor in Council

8-2(1) On the recommendation of the minister, the Lieutenant Governor in Council may make an order pursuant to this section if, during an election, the minister is of the opinion that a work stoppage creates a situation:

(a) that is of pressing public importance; or

(b) that endangers or may endanger the health or safety of any person in Saskatchewan.

(2) In the circumstances mentioned in subsection (1), the Lieutenant Governor in Council may order that, on and from a date to be specified in the order and during the election:

(a) if the order is with respect to employees:

(i) the employees involved in the work stoppage shall continue or resume the duties of their employment with their employer; and

(ii) the employer named in the order shall permit the employees to continue or resume the duties of their employment; or

(b) if the order is with respect to service providers:

(i) the service providers involved in the work stoppage shall continue or resume their duties as set out in the contract; and

(ii) a person who has a contract with service providers shall permit the service providers to continue or resume their duties.

(3) An order made for the purposes of clause (2)(b) may include a requirement that a person named in the order shall communicate the order to the service providers who are subject to the order.

(4) No person who is subject to an order shall fail, during the election, to immediately cease a work stoppage.

2013, c.S-15.1, s.8-2.

Prohibitions and obligations

8-3(1) No person shall in any manner impede or prevent, or attempt to impede or prevent, any person from complying with an order.

(2) While an order is in effect, no labour organization that represents employees, and no officer, representative or other person acting on behalf of that labour organization, shall authorize, declare or cause a work stoppage.

(3) No labour organization that is subject to an order shall fail to immediately inform the employees that it represents of the following:

(a) the order;

(b) the requirement that each employee continue or resume the duties of his or her employment during the election.

(4) No person mentioned in subsection 8-2(3) shall fail to immediately inform the service providers who are subject to the order of the following:

(a) the order;

(b) the requirement that each service provider continue or resume his or her duties during the election.

2013, c.S-15.1, s.8-3.

Offences and penalties

8-4(1) No person and no labour organization shall fail to comply with this Part or an order.

(2) Every person who or labour organization that contravenes subsection (1) is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by an employee or service provider, to a fine of not more than $1,000, and, in the case of a continuing offence, to a further fine of $400 for each day or part of a day during which the offence continues; or

(b) in the case of an offence committed by a labour organization or by any person other than one described in clause (a), to a fine of not more than $100,000, and, in the case of a continuing offence, to a further fine of $10,000 for each day or part of a day during which the offence continues.

2013, c.S-15.1, s.8-4.

Application to court to direct compliance

8-5(1) If, on the application of an employer, a judge is satisfied that an employee of that employer has failed to comply with an order, the judge may direct that employee to resume the employee's duties of employment with the employer as required by the order.

(2) If, on the application of a labour organization or an employee who has attempted to comply with an order, a judge is satisfied that the employer of the employee has failed to comply with the order, the judge may direct the employer to permit the employee to resume the employee's duties of employment as required by the order.

(3) If, on the application of a person who has a contract with a service provider, a judge is satisfied that the service provider has failed to comply with an order, the judge may direct that service provider to resume his or her duties as required by the order.

(4) If, on the application of a service provider who has attempted to comply with an order, a judge is satisfied that the person who has a contract with the service provider has failed to comply with the order, the judge may direct the person to permit the service provider to resume his or her duties as required by the order.

(5) On an application pursuant to this section, a judge may make any additional orders that the judge considers necessary to ensure compliance with this Part or an order.

2013, c.S-15.1, s.8-5.

PART IX
General

DIVISION 1
Assignment of Wages

Interpretation of Division

9-1 In this Division:

(a) **"assignment of wages"** means an assignment of all or part of an employee's wages to another person;

(b) **"wages"** means **"total wages"** as defined in Part II.

2013, c.S-15.1, s.9-1.

Assignment of wages generally prohibited

9-2 Subject to the other provisions of this Division, an assignment of wages to secure payment of a debt is invalid.

2013, c.S-15.1, s.9-2.

Certain wage assignments valid

9-3 Section 9-2 does not apply to an assignment of wages by an employee in favour of a supplier of tools, equipment or supplies used by the employee in his or her employment.

2013, c.S-15.1, s.9-3.

Assignment of wages to certain credit unions

9-4(1) In this section:

(a) **"assignor"** means an employee who makes an assignment of wages in favour of an employer;

(b) **"credit union"** means a credit union that:

(i) is governed by *The Credit Union Act, 1998*; and

(ii) is organized, directed or controlled by employees of the employer to whom the assignor directs the assignment of wages.

(2) This Division, other than subsections 9-5(2) and (3), does not apply in the case of an assignment of wages by an assignor to a credit union with respect to that portion of the assignor's wages that is not exempt from attachment pursuant to sections 95 and 96 of *The Enforcement of Money Judgments Act*.

2013, c.S-15.1, s.9-4.

Restrictions on wage assignments

9-5(1) Notwithstanding anything in this Part or any agreement, no assignment of wages to secure payment of a debt affects that portion of the assignor's wages that is exempt from attachment pursuant to sections 95 and 96 of *The Enforcement of Money Judgments Act*.

(2) An assignment of wages that is made to secure payment of a debt and that purports to apply to wages owing from future employers is invalid as against any employer by whom the assignor was not employed at the time the assignment was made.

(3) An assignment of wages to secure payment of a debt is deemed not to be a security for any purpose.

2013, c.S-15.1, s.9-5.

DIVISION 2
Other Matters

Offences by corporation

9-6 Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2013, c.S-15.1, s.9-6.

Offences by union

9-7(1) In this section and in section 9-8, **"union"** includes a labour organization as defined in Part VIII.

(2) Every officer or representative of a union who directed, authorized, assented to, acquiesced in or participated in an act or omission of the union that would constitute an offence by the union is guilty of that offence and liable on summary conviction to the penalties provided for that offence whether or not the union has been prosecuted or convicted.

2013, c.S-15.1, s.9-7.

Vicarious liability

9-8 In a prosecution of an offence pursuant to this Act, any act or neglect on the part of a manager, agent, representative, officer, director or supervisor of the accused, whether or not the accused is a corporation or a union, is deemed to be the act or neglect of the accused.

2013, c.S-15.1, s.9-8.

Service

9-9(1) In this section, **"director"** means the director of employment standards appointed pursuant to Part II, the director of occupational health and safety appointed pursuant to Part III or the director of labour relations appointed pursuant to Part VI.

(2) Unless otherwise provided in this Act, any document or notice required by this Act or the regulations to be served on any person other than the director may be served:

(a) by personal service on the person by delivery of a copy of the document or notice;

(b) by sending a copy of the document or notice by registered or certified mail to the last known address of the person or to the address of the person as shown in the records of the ministry;

(c) by personal service at a place of employment on the person's manager, agent, representative, officer, director or supervisor;

(d) by any method set out in *The Queen's Bench Rules* for the service of documents; or

(e) by delivering a copy to the person's lawyer if the lawyer accepts service by endorsing his or her name on a true copy of the document or notice indicating that he or she is the lawyer for that person.

(3) A document or notice to be given to or served on the director must be given or served in the prescribed manner.

(4) A document or notice served by registered mail or certified mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the document or notice or received it at a later date.

(5) If the director is unable to effect service by the methods set out in subsection (2) after making reasonable efforts to do so, the director may serve a document or notice by publishing it in a prescribed manner.

(6) Any person who is required to serve a document or notice pursuant to this Act or the regulations may apply, without notice, to a judge of the Court of Queen's Bench for an order for substituted service or for an order dispensing with service.

(7) On an application pursuant to subsection (6), a judge of the Court of Queen's Bench may make an order for substituted service by any means that the judge considers appropriate or an order dispensing with service, if the judge is satisfied that:

(a) prompt service of the document or notice cannot be effected;

(b) the whereabouts of the person to be served cannot be determined; or

(c) the person to be served is evading service.

2013, c.S-15.1, s.9-9; 2017, c 31, s.6; 2018, c 42, s.65.

Immunity

9-10 No action or proceeding lies or shall be commenced against the Crown, the minister, the board, any member of the board, the director of employment standards or an employment standards officer appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III, a radiation health officer appointed pursuant to Part V or the director of labour relations, a labour relations officer or an investigating officer appointed pursuant to Part VI, any employee or officer of the ministry or any other person appointed, designated or authorized to take any action or perform any duty pursuant to this Act or the regulations where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2013, c.S-15.1, s.9-10.

Forms for Act

9-11 Subject to section 6-126, the minister may approve forms to be used for the purposes of this Act and the regulations.

2013, c.S-15.1, s.9-11.

Regulations

9-12(1) The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing and requiring the payment of any fees and charges connected with any action that the minister, the board, the director of employment standards or an employment standards officer appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III, a radiation health officer appointed pursuant to Part V or the director of labour relations or a labour relations officer appointed pursuant to Part VI is required or authorized to take pursuant to this Act or the regulations or any service provided by any of them;

(c) prescribing any other matter or thing that is required or authorized to be prescribed in the regulations;

(d) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) A regulation made pursuant to subsection (1) or pursuant to any other regulation-making power pursuant to this Act may adopt by reference, in whole or in part, with any changes that the Lieutenant Governor in Council or other regulation maker considers necessary, any code, standard or regulation, as amended from time to time or otherwise, and may require compliance with any code, standard or regulation so adopted.

2013, c.S-15.1, s.9-12.

Review of Act

9-13(1) The minister shall cause a review to be conducted of the adequacy of this Act and its administration.

(2) For the purposes of subsection (1):

(a) the minister may cause a review of a Part of this Act to be conducted at a different time from the review of another Part;

(b) the first review of at least one Part of this Act must be conducted within five years after the date on which this Act comes into force and a first review of all Parts of this Act must be conducted within 10 years after the date on which this Act comes into force; and

(c) a review of each Part of this Act must be conducted at least once every five years after the completion of the most recent review of that Part.

2013, c.S-15.1, s.9-13.

Evidentiary effect of documents

9-14(1) In this section:

(a) **"official"** means the director of employment standards appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III or the director of labour relations appointed pursuant to Part VI;

(b) **"rule"** means a rule, direction, designation, authorization, code of practice, order, notice of contravention, compliance undertaking or other instrument issued or entered into pursuant to this Act by the minister, an official or the board.

(2) A document purporting to contain or to be a copy of a rule and purporting to be signed by the minister, an official or a member of the board is admissible in evidence in any court as proof of the rule that it purports to contain or of which it purports to be a copy without proof of the signature of the minister, the official or the member of the board or of his or her appointment.

2013, c.S-15.1, s.9-14.

PART X
Repeals and Consequential Amendments

DIVISION 1
Repeals

R.S.S. 1978, c.A-30 repealed

10-1 *The Assignment of Wages Act* is repealed.

2013, c.S-15.1, s.10-1.

R.S.S. 1978, c.B-8 repealed

10-2 *The Building Trades Protection Act* is repealed.

2013, c.S-15.1, s.10-2.

S.S. 1992, c.C-29.11 repealed

10-3 *The Construction Industry Labour Relations Act, 1992* is repealed.

2013, c.S-15.1, s.10-3.

R.S.S. 1978, c.E-9 repealed

10-4 *The Employment Agencies Act* is repealed.

2013, c.S-15.1, s.10-4.

R.S.S. 1978, c.F-14 repealed

10-5 *The Fire Departments Platoon Act* is repealed.

2013, c.S-15.1, s.10-5.

S.S. 1996, c.H-0.03 repealed

10-6 *The Health Labour Relations Reorganization Act* is repealed.

2013, c.S-15.1, s.10-6.

S.S. 1981-82, c.L-0.1 repealed

10-7 *The Labour-Management Dispute (Temporary Provisions) Act* is repealed.

2013, c.S-15.1, s.10-7.

R.S.S. 1978, c.L-1 repealed

10-8 *The Labour Standards Act* is repealed.

2013, c.S-15.1, s.10-8.

S.S. 1993, c.O-1.1 repealed

10-9 *The Occupational Health and Safety Act, 1993* is repealed.

2013, c.S-15.1, s.10-9.

S.S. 1984-85-86, c.R-1.1 repealed

10-10 *The Radiation Health and Safety Act, 1985* is repealed.

2013, c.S-15.1, s.10-10.

R.S.S. 1978, c.T-17 repealed

10-11 *The Trade Union Act* is repealed.

2013, c.S-15.1, s.10-11.

R.S.S. 1978, c.W-1 repealed

10-12 *The Wages Recovery Act* is repealed.

2013, c.S-15.1, s.10-12.

DIVISION 2
Consequential Amendments

10-13 - 10-35 Dispensed. This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

PART XI
Coming into Force

Coming into force

11-1 This Act comes into force on proclamation.

2013, c.S-15.1, s.11-1.

Regina, Saskatchewan
Printed by the authority of
The Queen's Printer
Copyright©2018

The Occupational Health and Safety Regulations, 1996

being

Chapter O-1.1 Reg 1 (effective December 4, 1996, except for Part XXXII, effective December 4, 1997) as amended by Saskatchewan Regulations 6/97, 35/2003, 112/2005, 67/2007, 91/2007, 109/2008, 18/2009, 54/2009, 75/2012, 5/2014, 43/2016 and S-15.1 Reg 6.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

PART I
Preliminary Matters

1 Title
2 Interpretation
3 Repealed
4 Giving notice to division
5 Generality of duties not limited
6 Certification by professional engineer

PART II
Notice Requirements

7 New operations
8 Accidents causing serious bodily injury
9 Dangerous occurrences
10 Medical information
11 Report re injuries

PART III
General Duties

12 General duties of employers
13 General duties of workers
14 Employment of young persons
15 Duty of employer or contractor to provide information
16 Duty of contractor to inform
17 Supervision of work
18 Duty to inform workers
19 Training of workers
20 Workers' contacts with officers
21 Biological monitoring
22 Occupational health and safety program
23 Examination of plant
24 Identifying mark of approved equipment
25 Maintenance and repair of equipment
26 Boilers and pressure vessels
27 Prohibition re use of compressed air
28 Inspection of place of employment
29 Investigation of certain accidents
30 Prohibition re scene of accident
31 Investigation of dangerous occurrences
32 Injuries requiring medical treatment
33 Work where visibility is restricted
34 Work or travel on ice over water, etc.
35 Working alone or at isolated place of employment
36 Harassment
37 Violence
37.1 Safety measures – retail premises

PART IV
Committees and Representatives

38 Committees at construction sites
39 Designation of committee members
40 Quorum and certain votes
41 Frequency of meetings
42 Minutes
43 Co-chairpersons
44 Special meetings
45 Designation of representative
46 Training of representatives, committee members
47 Meetings of employers and representatives
48 Opportunity for necessary activities
49 Meetings called by officer

PART V
First Aid

50 Interpretation
51 Application
52 Provision of first aid
53 More than one employer
54 First aid personnel
55 Certificates
56 First aid station
57 First aid register
58 First aid room
59 Workers being transported
60 First aid supplies and equipment
61 Transportation of injured workers
62 Asphyxiation and poisoning
63 Additional provisions

PART VI
General Health Requirements

64 Sanitation
65 Ventilation and air supply
66 Mechanical ventilation
67 Cleaning and maintaining ventilation systems
68 Space
69 Lighting
70 Thermal conditions
71 Toilet facilities
72 Personal washing
73 Clothing
74 Change and shower facilities
75 Eating areas
76 Drinking water
77 Smoking
78 Lifting and handling loads
79 Standing
80 Sitting
81 Musculoskeletal injuries
82 Shift work and constant effort and exertion
83 Visually demanding tasks
84 Radioactive substances
85 Exposure control plan

PART VII
Personal Protective Equipment

86 Use of equipment required
87 General responsibilities
88 Respiratory protective devices
89 Inspection of respiratory protective devices
90 Working in dangerous atmospheres
91 Protective headwear
92 Workers using all terrain vehicles, snowmobiles, etc.
93 Eye and face protectors
94 Skin protection
95 Lower body protection
96 Footwear
97 Hand and arm protection
98 Exposure to hazardous substances
99 Exposure to noise
100 Repealed
101 Lifelines
102 Personal fall arrest systems
103 Full-body harness
104 Snap hooks on personal fall arrest system
105 Lanyards
106 Workers' responsibilities re lifelines, etc.
107 Inspection of full body harness, etc.
108 Protection against drowning

PART VIII
Noise Control and Hearing Conservation

109 General duty
110 Noise reduction through design, construction of buildings
111 Measurement of noise levels
112 Hearing protection required
113 Daily exposure greater than 85 dBA Lex
114 Hearing conservation plan

PART IX
Safeguards, Storage, Warning Signs and Signals

115 Interpretation
116 Protection against falling
116.1 Fall protection plan
116.2 Control zone
116.3 Anchor Points and Anchor Plates
117 Elevated conveyors
118 Wire mesh
119 Protection against falling objects
120 Protection from objects falling from scaffolds, etc.
121 Handrails
122 Guardrails
123 Toeboards
124 Openings in floors, roofs, etc.
125 Building shafts
126 Safety nets

127 Storage tanks
128 Mounting of tires
129 Storage of materials
130 Pallets and storage racks
131 Pressurized hoses
132 Designated signallers
133 Risk from vehicular traffic

PART X
Machine Safety

134 Operation by workers
135 Operating controls
136 Unattended and suspended machines
137 Safeguards
138 Warning systems
139 Locking out
140 Cleaning, etc., of machine or other equipment in motion
141 Belts
142 Air-actuated fastening tools
143 Explosive-actuated fastening tools
144 Airless spray units
145 Grinding machines
146 Chain saws
147 Circular saws
148 Power-fed circular saws
149 Band-saws
150 Cut-off saws
151 Pushblocks and pushsticks
152 Hand-fed planers and joiners

PART XI
Powered Mobile Equipment

153 Interpretation
154 Trained operators for powered mobile equipment
155 Visual inspection
156 Inspection and maintenance
157 Requirements for powered mobile equipment
157.1 Construction, repair, etc., of powered mobile equipment
158 Use of seat-belt or restraint by operator
159 Protection against shifting of load
160 Warning of reverse motion
161 Roll-over protective structures
162 Transparent materials used in cabs, etc.
163 Fuel tanks in enclosed cabs
164 Dangerous movements
165 Transporting workers
166 Ladders attached to extending boom
167 Forklifts

PART XII
Scaffolds, Aerial Devices, Elevating Work Platforms and Temporary Supporting Structures

168 Interpretation
169 Scaffold required
170 Prohibition
171 Limited use of certain scaffolds
172 General requirements
173 Ropes in scaffolds
174 Scaffold planks and platforms
175 Wooden scaffolds
176 Metal scaffolds
177 Heavy-duty scaffolds, scaffolds used at certain heights
178 Half-horse scaffolds
179 Bracket scaffolds
180 Ladderjack scaffolds
181 Single-pole scaffolds
182 Outrigger scaffolds
183 Suspended scaffolds
184 Suspended powered scaffolds
185 Tie-in guides
186 Use of suspended powered scaffolds
187 Workers' responsibilities
188 Rolling scaffolds
189 Shinglers' roofing scaffold
190 Crawl boards, roof ladders
191 Prohibition
192 Aerial devices and elevating work platforms
193 Maintenance and inspection
194 Forklifts
195 Temporary supporting structures
196 Flyform deck panels
197 Erection of masonry wall
198 Erection of skeleton structure

PART XIII
Hoists, Cranes and Lifting Devices

199 Interpretation
200 Application of Part
201 General requirements
202 Adoption of standards
203 Load ratings
204 Designated operator
205 Operating procedures
206 Rated load
207 Raising and lowering workers
208 Determining weight of load
209 Overload switches
210 Designated signaller
211 General requirements for cranes and hoists
212 Hoists, cranes with outriggers, etc.
213 Operators' cabs on tower cranes
214 Erecting and dismantling
215 Log book
216 Inspections
217 Repairs
218 Friction type hoists
219 Material hoists
220 Tower hoists
221 Roofers' hoists
222 Vehicle hoists
223 Hand-operated hoists
224 Winches
225 A-frames and gin poles
226 Pile-driving equipment

PART XIV
Rigging

227 Interpretation
228 General requirements
229 Inspection
230 Maximum loads
231 Slings
232 Shackles
233 Sheaves, spools and drums
234 Knots, wire rope clips
235 Eye loops
236 Hooks
237 Wedge sockets
238 Wire rope
239 Rotation or motion of load

PART XV
Robotics

240 Interpretation
241 Application of Part
242 Safe work practices and procedures
243 General requirements
244 Safeguards
245 Controls
246 Protection during maintenance or repair
247 Protection during teaching

PART XVI
Entrances, Exits and Ladders

248 General duty re entrances, exits
249 Doors
250 Travelways
251 Stairs
252 Ladders
253 Portable ladders
254 Use of portable ladders
255 Fixed ladders
256 Construction ladders

PART XVII
Excavations, Trenches, Tunnels and Excavated Shafts

257 Interpretation
258 Application of Part
259 Locating underground pipelines, etc.
260 Excavating and trenching
261 Temporary protective structures
262 Protection against cave-in of excavations
263 Protection against cave-in of trenches
264 Excavated shafts and tunnels
265 Boreholes, belled areas of excavated shafts

PART XVIII
Confined Space Entry
266 Interpretation
267 Identification of confined spaces, hazards, etc.
268 Avoidance of entry into hazardous confined space
269 Requirements before confined space is entered
270 Requirements before hazardous confined space is entered
271 Notice where no hazard found
272 Entry plan
273 Purging and ventilating of unsafe atmosphere
274 Precautions where safe atmosphere not possible
275 Piping discharging hazardous substances

PART XIX
Work in Compressed Air
276 Interpretation
277 Application of Part
278 Before work in compressed air begins
279 Workers in working chamber
280 Standards for air
281 Maximum air pressure
282 Working periods and rest periods

PART XX
Diving Operations
283 Interpretation
284 Competent workers
285 Standards
286 Medical examination
287 Diving supervisor
288 Minimum crew
289 Standby diver
290 Diver's tender
291 Breathing gas
292 Diving equipment
293 Equipment for diving base
294 Hyperbaric chamber
295 Diving plan
296 General responsibilities of diver
297 Diver's personal log
298 Buddy system
299 Free swimming diving
300 Scuba diving
301 Surface-supply diving

PART XXI
Chemical and Biological Substances
302 General duties of employers
303 List of chemical and biological substances
304 Precautions for certain substances
305 Substances listed in Table 19
306 Substances listed in Table 20
307 Substances listed in Table 21
308 Protection of certain workers
309 Respiratory protective devices
310 Accumulations, spills and leaks
311 Report of worker's exposure
312 Emergency showers
313 Eye flushing equipment
314 Flammable, unstable, highly reactive and corrosive substances

PART XXII
Controlled Products – Workplace Hazardous Materials Information System
315 Repealed
316 Repealed
317 Repealed
318 Repealed
319 Repealed
320 Repealed
321 Repealed
322 Repealed
323 Repealed
324 Repealed
325 Repealed
326 Repealed
327 Repealed
328 Repealed
329 Repealed

PART XXIII
Asbestos
330 Interpretation
331 Application of Part
332 Prohibition re crocidolite
333 Prohibition re spraying
334 Identification of asbestos-containing materials
335 Labelling, placarding, etc.
336 Inspection
337 Asbestos processes
338 Asbestos surfaces
339 Ventilation equipment
340 Personal protective equipment
341 Asbestos waste
342 Warning of health risks
343 Training
344 High risk asbestos processes
345 Medical examinations

PART XXIV
Silica Processes and Abrasive Blasting
346 Interpretation
347 Application of Part
348 Warning of workers
349 Cleaning of blasting equipment, etc.
350 Cleaning of worksites
351 Silica processes other than abrasive blasting
352 Isolation from air containing dust
353 Personal protective equipment
354 Standards for blasting enclosures
355 Use of blasting enclosures
356 Sandblasting
357 Silica flour
358 Medical examinations

PART XXV
Fire and Explosion Hazards
359 Interpretation
360 Fire safety plan
361 Fire extinguishers
362 Garbage as fire hazard
363 Procedures for flammable substances
364 Receptacles for materials contaminated by flammable liquids
365 Receptacles for combustible or flammable liquids
366 Hazardous activities involving combustible or flammable liquids
367 Control of ignition sources, static charges
368 Flammable liquids, gases or explosive substances in vehicles
369 Flammable or explosive substance in atmosphere
370 Hot work
371 Compressed and liquified gas systems
372 Oxygen
373 Gas burning and welding equipment
374 Piping

PART XXVI
Explosives
375 Application of Part
376 Qualifications of workers
377 Written procedures
378 Equipment
379 Storage and transportation of explosives

PART XXVII
Demolition Work
380 Interpretation
381 Before demolition begins
382 Stability of adjacent structures
383 Requirements re workers
384 Demolition procedures
385 Material chutes
386 Structural members
387 Use of powered mobile equipment
388 Use of explosives

PART XXVIII
Forestry and Mill Operations
389 Interpretation
390 Application of Part
391 First aid attendant
392 Cutting and skidding – general requirements
393 Cutting

394 Felling
395 Partially cut trees
396 Lodged trees
397 Mechanized fellers and limbers
398 Bucking and limbing
399 Skidding
400 Skidder operators' responsibilities
401 Loading, unloading and hauling logs
402 Vehicles used to haul logs
403 Log carriages
404 Sawmill head rigs
405 Trimmer saws
406 Edgers
407 Bandsaws
408 Feedrolls of resaws
409 Dry kilns

PART XXIX
Oil and Gas

410 Interpretation
411 Application of Part
412 Supervisors
413 Daily tour book
414 Routine inspections
415 General requirements re design, etc., of rig
416 Flush-by and swabbing units
417 Securing parts of rig
418 Raising and lowering derricks
419 Rig sites and foundations
420 Guy lines
421 Platforms, ladders and stairways
422 Means of escape
423 Full-body harness
424 Fuel storage
425 Pressure relief devices
426 Catheads
427 Spudding in
428 Operating controls
429 Travelling blocks
430 Counterweights
431 Weight indicators
432 Drawworks
433 Drill pipes, tubing, etc.
434 Material racks
435 Rotary tongs
436 Rotary tables
437 Exits from enclosures
438 Rig tanks or pits
439 Drill stem testing
440 Swabbing
441 Well operation and servicing
442 Well stimulation
443 Shot holes
444 Gas sample containers
445 Piping systems at well sites
446 Breathing apparatus
447 First aid attendants
448 Procedures for flare tips, etc.
449 Plan for well testing

PART XXX
Additional Protection for Electrical Workers

450 Interpretation
451 Electrical workers
452 Electrical equipment
453 Covers for switches, receptacles, connections, etc.
454 Electrical equipment in tunnel or manhole
455 Luminaires
456 Extension and power supply cords
457 Portable power cables and cable couplers
458 Portable luminaires
459 Exposed metal parts
460 Portable electric power plants
461 Electrical panels
462 High voltage switchgear and transformers
463 Fire extinguishers
464 Grounding of equipment before work begins
465 Proximity to exposed energized high voltage electrical conductors
466 Exposed energized electrical conductors operating at certain voltages
467 Emergency program

PART XXXI
Additional Protection for Health Care Workers

468 Interpretation
469 Application of Part
469.1 Additional requirements re supervisors in health care facilities
470 Patient moving and handling
471 Cytotoxic drugs
472 Waste
473 Equipment contaminated with waste
474 Waste needles, etc.
474.1 Selecting needle-safe devices
474.2 Injury log
475 Contaminated laundry
476 Anaesthetic gases
477 Ethylene oxide sterilizers
478 Review of programs, etc.

PART XXXII
Additional Protection for Fire Fighters

479 Interpretation
480 Application of Part
481 Plan for response to emergency incident
482 Training of fire fighters
483 General standards for vehicles and equipment
484 Securing of equipment, etc., in vehicles
485 Inspection of firefighting vehicles and equipment
486 Repair of firefighting vehicles
487 Transportation of fire fighters
488 Personal protective equipment
489 Interior structural firefighting
490 Personal alert safety system
491 Safety ropes, harnesses and hardware

PART XXXIII
Repeal, Transitional and Coming into Force

492 R.R.S. c.O-1.1 Reg 1 repealed
493 Transitional
494 Coming into force

Appendix

Table 1 Minimum Requirements for Class A Qualification
Table 2 First Aid Services Authorized by Class A Qualification
Table 3 Minimum Requirements for Class B Qualification
Table 4 First Aid Services Authorized by Class B Qualification
Table 5 Asbestos Processes
Table 6 Notifiable Medical Conditions Resulting from Occupation Exposure
Table 7 Prescribed Places of Employment
Table 8 Activities That Constitute High Hazard Work
Table 9 Summary of First Aid Requirements
Table 10 Required Contents of First Aid Box
Table 11 Additional Supplies and Equipment – Class A Qualifications
Table 12 Additional Supplies and Equipment – Class B Qualifications
Table 13 Minimum Numbers of Toilet Facilities
Table 14 Repealed
Table 14.1 Minimum Training Requirements for Trained Operator of Power Mobile Equipment
Table 15 Minimum Dimensions of Members of Light Duty Wooden Scaffolds (Height Less Than 6 Metres)
Table 16 Minimum Training Requirements for Competent Operator of a Crane
Table 17 Excavation and Trench Shoring
Table 18 Hours of Work and Rest Periods for Work in Compressed Air
Table 19 Notifiable Chemical and Biological Substances
Table 20 Designated Chemical Substances
Table 21 Contamination Limits
Table 22 Minimum Distances from Exposed Energized High Voltage Electrical Conductors

CHAPTER O-1.1 REG 1

The Occupational Health and Safety Act, 1993

PART I
Preliminary Matters

Title

1 These regulations may be cited as *The Occupational Health and Safety Regulations, 1996*.

Interpretation

2(1) In these regulations and in all other regulations made pursuant to the Act:

(a) **"Act"** means *The Occupational Health and Safety Act, 1993*;

(b) **"air-purifying respirator"** means a respirator that removes airborne contaminants from the air inhaled by a worker;

(c) **"approved"** means:

(i) approved by an agency acceptable to the director for use under the conditions prescribed by the agency; or

(ii) approved conditionally or otherwise by a certificate of the director;

(d) **"atmosphere-supplying respirator"** means a respirator that delivers clean breathing air to a worker from a compressor or a cylinder, an SCBA, whether closed or open circuit, or a combination of SCBA and supplied air;

(e) **"borehole"** means a mechanically drilled hole in the ground;

(f) **"building shaft"** means a continuous vertical space substantially enclosed on all sides that extends for two or more floors, and includes an elevator shaft, a ventilation shaft, a stairwell and a service shaft;

(g) **"class A qualification"** means a certificate or certificates that:

(i) are issued by an agency, as defined in section 50, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for course duration and content set out in Table 1 of the Appendix; and

(ii) qualify the holder to perform the services set out in Table 2 of the Appendix;

(h) **"class B qualification"** means a certificate or certificates that:

(i) are issued by an agency, as defined in section 50, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for course duration and content set out in Table 3 of the Appendix; and

(ii) qualify the holder to perform the services set out in Table 4 of the Appendix;

(i) **"Class C fire"** means a fire involving energized electrical equipment;

(j) **"co-chairpersons"** means, with respect to a committee, the employer or contractor co-chairperson appointed pursuant to clause 43(1)(b) and the worker co-chairperson elected pursuant to clause 43(1)(a);

(k) **"committee"** means an occupational health committee;

(l) **"competent"** means possessing knowledge, experience and training to perform a specific duty;

(m) **"competent worker"**, with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training;

(n) **"connecting linkage"** means a lanyard, safety hook, cable or connector inserted between a personal fall arrest system and the D-ring on a worker's full-body harness;

(o) **"construction"** means the erection, alteration, renovation, repair, dismantling, demolition, structural maintenance and painting of a structure, and includes:

(i) land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting and concreting; and

(ii) the installation of any plant;

(p) **"controlled product"** means a controlled product within the meaning of the *Hazardous Products Act* (Canada);

(q) **"dBA"** means the sound pressure level in decibels measured on the A scale of a sound level meter;

(r) **"dBA L_{ex}"** means the level of a worker's total exposure to noise, in dBA, averaged over an entire workday and adjusted to an equivalent eight-hour exposure;

(s) **"designated signaller"** means a worker designated pursuant to clause 132(1)(a) to give signals;

(t) **"emergency medical technician"** means a person who is licensed as an emergency medical technician, emergency medical technician-advanced or emergency medical technician-paramedic pursuant to *The Ambulance Act*;

(u) **"escape respirator"** means an atmosphere-supplying respirator or an air-purifying respirator that is designed to be used by a worker for escape purposes only;

(v) **"excavated shaft"** means a dug-out passage into the ground, the longest dimension of which exceeds 1.5 metres and of which the acute angle between the axis of the longest dimension and the vertical is less than 45°;

(w) **"excavation"** means any dug-out area of ground other than a trench, tunnel or excavated shaft;

(x) **Repealed.** 10 Aug 2007 SR 67/2007 s3.

(y) **"first aid"** means immediate assistance given in case of injury until medical aid has been obtained;

(z) **"first aid attendant"** means the holder of a valid:

(i) class A qualification;

(ii) class B qualification;

(iii) emergency medical technician's licence; or

(iv) licence, certificate or other qualification that, in the opinion of the director, is equivalent to or superior to a qualification set out in subclauses (i) to (iii);

(aa) **"first aid register"** means the register required by section 57;

(bb) **"first aid station"** means a work-related area containing the supplies and equipment required by subsection 56(1);

(bb.1) **"forklift"** means a self-propelled machine that has a power-operated upright, angled or telescoping lifting device that can raise and lower a load for the purpose of transporting or stacking;

(cc) **"full-body harness"** means a safety device that is capable of suspending a worker without causing the worker to bend at the waist, and consists of straps that pass over the worker's shoulders and around the worker's legs, an upper dorsal suspension assembly and all integral hardware;

(dd) **"hand tool"** means hand-held equipment that is powered by the energy of a worker;

(ee) **"harmful"** means known to cause harm or injury;

(ff) **"hazardous"** means likely to cause harm or injury in certain circumstances;

(gg) **"HEPA filter"** means a high-efficiency particulate aerosol filter that is at least 99.97% efficient in collecting a 0.3 micrometre aerosol;

(hh) **"hoist"** means a machine that consists of a raising and lowering mechanism;

(ii) **"immediately dangerous to life or health"** means a condition in which a hazardous atmosphere exists to such an extent that a worker who is not using an approved respiratory protective device will suffer escape-impairing or irreversible health effects if the worker does not leave the hazardous atmosphere within 30 minutes;

(jj) **"instruct"** means to give information and direction to a worker with respect to particular subject-matter;

(kk) **"lifeline"** means a length of rope or strap that is attached to a safe point of anchorage at one end or, in the case of a horizontal lifeline, at both ends to provide support and a guide for a personal fall arrest system or personnel lowering device;

(ll) **"locked out"** means to have isolated the energy source or sources from equipment, to have dissipated any residual energy in a system and to have secured the isolation by a device that is operated by a key or other process;

(mm) **"machine"** means any combination of mechanical parts that transmits from one part to another or otherwise modifies force, motion or energy;

(nn) **"maintained"** means kept in a condition of efficient and safe functioning by a system of regular examination, testing and servicing or repair;

(oo) **"*The Mines Regulations*"** means *The Mines Regulations, 2003*;

(pp) **"officer"** means an occupational health officer;

(qq) **"operator"** means a person who operates any equipment;

(qq.1) **"percutaneous"** means a route of entry that is through the skin or mucous membrane, and includes subcutaneous, intramuscular and intravascular routes of entry;

(qq.2) **"personal fall arrest system"** means personal protective equipment that provides a means of safely arresting the fall of a worker and that, subsequent to the arrest of the fall, does not by itself permit the further release or lowering of the worker;

(rr) **"personal protective equipment"** means any clothing, device or other article that is intended to be worn or used by a worker to prevent injury or to facilitate rescue;

(ss) **"personnel lowering device"** means a device that provides a means of lowering a worker from a height at a controlled rate of descent;

(tt) **"power tool"** means a hand-held machine that is powered by energy other than the energy of a worker;

(uu) **"powered mobile equipment"** means a self-propelled machine or a combination of machines, including a prime mover, that is designed to manipulate or move materials or to provide a work platform for workers;

(vv) **"professional engineer"** means an engineer who is registered pursuant to *The Engineering Profession Act*;

(ww) **"public highway"** means a public highway as defined in *The Highways and Transportation Act*;

(xx) **"qualified"** means possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project;

(yy) **"representative"** means an occupational health and safety representative;

(zz) **"respiratory protective device"** means a device that is designed to protect a wearer from inhaling a hazardous atmosphere, and includes an atmosphere-supplying respirator, an air-purifying respirator and an escape respirator;

(aaa) **"safeguard"** means a guard, shield, wire mesh, guardrail, gate, barrier, safety net, handrail or other similar equipment that is designed to protect the safety of workers, but does not include personal protective equipment;

(bbb) **Repealed.** 10 Aug 2007 SR 67/2007 s3.

(ccc) **"SCBA"** means self-contained breathing apparatus;

(ddd) **"supervisor"** means a person who is authorized by an employer to oversee or direct the work of workers;

(eee) **"train"** means to give information and explanation to a worker with respect to a particular subject-matter and require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;

(fff) **"travelway"** means any place where workers or vehicles regularly travel or pass, and includes a ramp, runway, catwalk, bridge, conveyor, gantry or passage;

(ggg) **"trench"** means an elongated dug-out area of land whose depth exceeds its width at the bottom;

(hhh) **"tunnel"** means an underground passage that has an incline of not more than 45° from the horizontal;

(iii) **"vehicle"** means a machine in, on or by which a person or thing may be transported, and includes powered mobile equipment;

(jjj) **"work"** and **"at work"** means:

(i) the time during which a worker is in the course of the worker's employment; or

(ii) the time that a self-employed person devotes to work as a self-employed person;

(kkk) **"work-related area"** means all places that are ancillary to a place of employment, and includes lunchrooms, restrooms, first aid rooms, lecture rooms, parking lots under the control of the employer or contractor, offices and work camp living accommodations, but does not include a permanent living accommodation.

(2) For the purposes of the Act and in these regulations and all other regulations made pursuant to the Act, **"injury"** includes any disease and any impairment of the physical or mental condition of a person.

(3) Any word or expression used but not defined in these regulations or the Act has the meaning commonly given to it at places of employment in the industry concerned.

(4) Unless otherwise expressly stated:

(a) lumber sizes specified in these regulations are lumber sizes after dressing; and

(b) **"lumber"** means lumber that is free of visible defects.

4 Oct 96 cO-1.1 Reg 1 s2; 31 Jan 97 SR 6/97 s3; 16 May 2003 SR 35/2003 s3; 4 Nov 2005 SR 112/2005 s3; 10 Aug 2007 SR 67/2007 s3.

3 Repealed. 16 May 2003 SR 35/2003 s4.

Giving notice to division

4(1) Subject to subsection (3), where these regulations require notice to be given to the division, the notice must be in writing, directed to the director or an officer and delivered to the director or officer personally or by fax, courier or post.

(2) Notice is deemed not to have been given pursuant to subsection (1) until the notice is actually received by the director or an officer.

(3) In the case of a notice required pursuant to clause 8(1)(a), an employer or contractor shall first give notice by telephoning an officer and, in addition, give written notice in the manner set out in subsection (1).

4 Oct 96 cO-1.1 Reg 1 s4.

Generality of duties not limited

5(1) A specific duty imposed by these regulations does not limit the generality of any other duty imposed by the Act or other regulations made pursuant to the Act.

(2) A duty or requirement imposed on an employer or a worker by these regulations applies, with any necessary modification, to a self-employed person.

(3) A provision of these regulations that prohibits a worker from carrying out a specified action applies, with any necessary modification, to an employer or a self-employed person.

(4) A provision of these regulations that requires an employer to ensure that a worker carries out or refrains from carrying out a specified action is deemed to require a self-employed person or an employer who engages in an occupation at a place of employment to carry out or refrain from carrying out that action, as the case may require.

(5) Where a provision of these regulations imposes a duty or requirement on more than one person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.

(6) Notwithstanding subsection (5) but subject to subsection (8), if the person with the greatest degree of control fails to comply with a provision described in subsection (5), the other persons are not relieved of the obligation to comply with the provision if it is possible for them to comply, and they shall comply with the provision.

(7) If the person with the greatest degree of control complies with a provision described in subsection (5), the other persons are relieved of the obligation to comply with the provision:

(a) only for the time in which the person with the greatest degree of control is in compliance with the provision;

(b) only if simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense; and

(c) only if the health and safety of workers is not put at risk by compliance by only one person.

(8) If the person with the greatest degree of control fails to comply with a provision described in subsection (5) but one of the other persons complies with the provision, the other persons, if any, to whom the provision applies are relieved of the obligation to comply with the provision in the circumstances set out in clauses (7)(a) to (c), with any necessary modification.

(9) Where a provision of these regulations imposes a duty or requirement on a person to ensure that another person carries out or refrains from carrying out a specified action, the person on whom the duty or requirement is placed has complied with the provision if that person establishes that he or she took all reasonable steps to ensure that the second person carried out or refrained from carrying out the specified act.

4 Oct 96 cO-1.1 Reg 1 s5.

Certification by professional engineer

6 Where a provision in these regulations requires a certification by a professional engineer, the certification must be in writing and must bear the official stamp or seal of the engineer.

4 Oct 96 cO-1.1 Reg 1 s6.

PART II
Notice Requirements

New operations

7(1) As soon as is reasonably possible, an employer, contractor or owner shall give notice to the division of the intention to:

(a) begin work at a construction site, manufacturing plant or processing plant where 10 or more workers are to be employed for six months or more;

(b) dig an excavation, a trench or an excavated shaft:

(i) that is more than five metres deep; and

(ii) that a worker will be required or permitted to enter; or

(c) dig a tunnel that a worker will be required or permitted to enter.

(2) Not later than 14 days before beginning the process, an employer, contractor or owner shall give notice to the division of the intention to begin a high risk asbestos process listed in Table 5 of the Appendix.

(3) A notice required by subsection (1) or (2) must include:

(a) the legal name and business name of the employer, contractor or owner;

(b) the location of the site, plant, process or place of employment;

(c) the mailing address of the employer, contractor or owner;

(d) the nature of the work or process to be undertaken;

(e) the number of workers to be employed;

(f) the telephone number and fax number of the employer, contractor or owner; and

(g) the estimated starting date and expected duration of the work or process.

4 Oct 96 cO-1.1 Reg 1 s7.

Accidents causing serious bodily injury

8(1) An employer or contractor shall give notice to the division as soon as is reasonably possible of every accident at a place of employment that:

(a) causes or may cause the death of a worker; or

(b) will require a worker to be admitted to a hospital as an in-patient for a period of 72 hours or more.

(2) The notice required by subsection (1) must include:

(a) the name of each injured or deceased worker;

(b) the name of the employer of each injured or deceased worker;

(c) the date, time and location of the accident;

(d) the circumstances related to the accident;

(e) the apparent injuries; and

(f) the name, telephone number and fax number of the employer or contractor or a person designated by the employer or contractor to be contacted for additional information.

(3) An employer or contractor shall provide each co-chairperson or the representative with a copy of the notice required by subsection (1).

4 Oct 96 cO-1.1 Reg 1 s8.

Dangerous occurrences

9(1) In this section, **"dangerous occurrence"** means any occurrence that does not result in, but could have resulted in, a condition or circumstance set out in subsection 8(1), and includes:

(a) the structural failure or collapse of:

(i) a structure, scaffold, temporary falsework or concrete formwork; or

(ii) all or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation;

(b) the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment;

(c) an accidental contact with an energized electrical conductor;

(d) the bursting of a grinding wheel;

(e) an uncontrolled spill or escape of a toxic, corrosive or explosive substance;

(f) a premature detonation or accidental detonation of explosives;

(g) the failure of an elevated or suspended platform; and

(h) the failure of an atmosphere-supplying respirator.

(2) An employer, contractor or owner shall give notice to the division as soon as is reasonably possible of any dangerous occurrence that takes place at a place of employment, whether or not a worker sustains injury.

(3) A notice required by subsection (2) must include:

(a) the name of each employer, contractor and owner at the place of employment;

(b) the date, time and location of the dangerous occurrence;

(c) the circumstances related to the dangerous occurrence; and

(d) the name, telephone number and fax number of the employer, contractor or owner or a person designated by the employer, contractor or owner to be contacted for additional information.

(4) An employer, contractor or owner shall provide each co-chairperson or the representative with a copy of the notice required by subsection (2).

4 Oct 96 cO-1.1 Reg 1 s9.

Medical information

10(1) Subject to subsection 21(2), no person who acquires information of a personal medical nature with respect to a worker pursuant to these regulations shall disclose that information except:

(a) to the worker;

(b) to the chief occupational medical officer;

(c) with the informed consent of the worker, to another person; or

(d) where otherwise required by law.

(2) A physician who attends or treats a worker who is suffering from or believed to be suffering from a medical condition that is related to the present or past employment of the worker and is listed in Table 6 of the Appendix shall, without undue delay, inform the director of:

(a) the medical condition from which the worker is believed to be suffering; and

(b) the name and address of the most recent place of employment where exposure related to the medical condition is believed to have occurred.

4 Oct 96 cO-1.1 Reg 1 s10.

Report re injuries

11 On the minister's request, an employer shall provide to the division, or to any other agency that may be designated by the minister, a report setting out details of all person-hours worked and all work-related injuries during the preceding year.

4 Oct 96 cO-1.1 Reg 1 s11.

PART III
General Duties

General duties of employers

12 The duties of an employer at a place of employment include:

(a) the provision and maintenance of plant, systems of work and working environments that ensure, as far as is reasonably practicable, the health, safety and welfare at work of the employer's workers;

(b) arrangements for the use, handling, storage and transport of articles and substances in a manner that protects the health and safety of workers;

(c) the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work; and

(d) the provision and maintenance of a safe means of entrance to and exit from the place of employment and all worksites and work-related areas in or on the place of employment.

4 Oct 96 cO-1.1 Reg 1 s12.

General duties of workers

13 A worker shall:

(a) use the safeguards, safety appliances and personal protective equipment provided in accordance with these regulations and any other regulations made pursuant to the Act; and

(b) follow the safe work practices and procedures required by or developed pursuant to these regulations and any other regulations made pursuant to the Act.

4 Oct 96 cO-1.1 Reg 1 s13.

Employment of young persons

14(1) An employer or contractor shall ensure that no person under the age of 16 years is employed or permitted to work:

(a) on a construction site;

(b) in a production process at a pulp mill, sawmill or woodworking establishment;

(c) in a production process at a smelter, foundry, refinery or metal processing or fabricating operation;

(d) in a confined space;

(e) in a production process in a meat, fish or poultry processing plant;

(f) in a forestry or logging operation;

(g) on a drilling or servicing rig;

(h) as an operator of powered mobile equipment, a crane or a hoist;

(i) where exposure to a chemical or biological substance is likely to endanger the health or safety of the person; or

(j) in power line construction or maintenance.

(2) An employer or contractor shall ensure that no person under the age of 18 years is employed:

(a) underground or in an open pit at a mine;

(b) as a radiation worker;

(c) in an asbestos process as defined in section 330;

(d) in a silica process as defined in section 346; or

(e) in any activity for which these regulations or any other regulations made pursuant to the Act require the use of an atmosphere-supplying respirator.

4 Oct 96 cO-1.1 Reg 1 s14.

Duty of employer or contractor to provide information

15 An employer or contractor shall:

(a) make readily available for reference by workers a copy of:

(i) the Act;

(ii) any regulations made pursuant to the Act that apply to the place of employment or to any work done there; and

(iii) any standards adopted in the regulations that address work practices or procedures and that apply to the place of employment or to any work done there; and

(b) where the information mentioned in clause (a) or in section 9 of the Act will be posted, provide a suitable bulletin board to be used primarily to post information on health and safety related to the place of employment.

4 Oct 96 cO-1.1 Reg 1 s15.

Duty of contractor to inform

16(1) A contractor shall give notice in writing to every employer, worker or self-employed person at the place of employment, setting out:

(a) the name of the person who is supervising the work on behalf of the contractor;

(b) any emergency facilities provided by the contractor for the use of the employers' workers or self-employed persons; and

(c) the existence of a committee or representative, if any, at the place of employment and the means to contact the committee or representative.

(2) Subsection (1) applies only to contractors at major construction projects and to contractors involved in those activities to which Part XXIX applies.

4 Oct 96 cO-1.1 Reg 1 s16.

Supervision of work

17(1) An employer or contractor shall ensure that:

(a) all work at a place of employment is sufficiently and competently supervised;

(b) supervisors have sufficient knowledge of all of the following with respect to matters that are within the scope of the supervisor's responsibility:

(i) the Act and any regulations made pursuant to the Act that apply to the place of employment;

(ii) any occupational health and safety program at the place of employment;

(iii) the safe handling, use, storage, production and disposal of chemical and biological substances;

(iv) the need for, and safe use of, personal protective equipment;

(v) emergency procedures required by these regulations;

(vi) any other matters that are necessary to ensure the health and safety of workers under their direction; and

(c) supervisors comply with the Act and any regulations made pursuant to the Act that apply to the place of employment and ensure that the workers under their direction comply with the Act and those regulations.

(2) A supervisor shall ensure that the workers under the supervisor's direction comply with the Act and any regulations made pursuant to the Act that apply to the place of employment.

4 Oct 96 cO-1.1 Reg 1 s17.

Duty to inform workers

18 An employer shall ensure that each worker:

(a) is informed of the provisions of the Act and any regulations pursuant to the Act that apply to the worker's work at the place of employment; and

(b) complies with the Act and those regulations.

4 Oct 96 cO-1.1 Reg 1 s18.

Training of workers

19(1) An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:

(a) begins work at a place of employment; or

(b) is moved from one work activity or worksite to another that differs with respect to hazards, facilities or procedures.

(2) The training required by subsection (1) must include:

(a) procedures to be taken in the event of a fire or other emergency;

(b) the location of first aid facilities;

(c) identification of prohibited or restricted areas;

(d) precautions to be taken for the protection of the worker from physical, chemical or biological hazards;

(e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment; and

(f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.

(3) An employer shall ensure that the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work, and that the worker does not lose pay or other benefits with respect to that time.

(4) An employer shall ensure that no worker is permitted to perform work unless the worker:

(a) has been trained, and has sufficient experience, to perform the work safely and in compliance with the Act and the regulations; or

(b) is under close and competent supervision.

4 Oct 96 cO-1.1 Reg 1 s19.

Workers' contacts with officers

20(1) During an inspection or investigation by an officer at a place of employment, an employer shall allow one of the following to accompany the officer:

(a) the worker co-chairperson or, in the co-chairperson's absence, any other worker that the committee may designate to represent workers;

(b) where there is no committee, a worker designated by the trade union representing workers;

(c) where there is no trade union representing workers, a worker designated by an officer;

(d) the representative.

(2) An employer shall permit any worker or group of workers to consult with an officer during an inspection or investigation at a place of employment.

(3) An employer shall ensure that any time in which a worker consults with an officer, assists an officer or accompanies an officer during an inspection or investigation is considered as time at work and that the worker loses no pay or other benefits.

4 Oct 96 cO-1.1 Reg 1 s20.

Biological monitoring

21(1) In this section, **"biological monitoring"** means measuring a worker's total exposure to a physical agent, a chemical substance or a biological substance that is present in a place of employment through the assessment of biological specimens collected from the worker.

(2) Where a worker is the subject of biological monitoring, an employer shall ensure that:

(a) the worker is informed of the purposes and the results of the monitoring;

(b) at the worker's request, the detailed results of the monitoring are made available to a physician designated by the worker; and

(c) the aggregate results of the monitoring are given to the committee or the representative.

4 Oct 96 cO-1.1 Reg 1 s21.

Occupational health and safety program

22(1) Subject to subsection (2), an occupational health and safety program required by section 13 of the Act must include:

(a) a statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;

(b) the identification of existing and potential risks to the health or safety of workers at the place of employment and the measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate or control those risks;

(c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;

(d) a statement of the responsibilities of the employer, the supervisors and the workers;

(e) a schedule for the regular inspection of the place of employment and of work processes and procedures;

(f) a plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of at the place of employment and, where appropriate, the monitoring of the work environment;

(g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the work of the workers and supervisors;

(h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 23 of the Act at the place of employment;

(i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 23 of the Act; and

(j) a procedure to review and, where necessary, revise the occupational health and safety program at specified intervals that are not greater than three years and whenever there is a change of circumstances that may affect the health or safety of workers.

(2) On and after January 1, 1998, the places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 13 of the Act.

(3) An employer at a place of employment mentioned in subsection (2) shall establish an occupational health and safety program that meets the requirements of subsection (1) not later than:

(a) in a place of employment with 100 or more workers, January 1, 1998;

(b) in a place of employment with 21 or more workers but not more than 99 workers, January 1, 1999; and

(c) in a place of employment with 10 or more workers but not more than 20 workers, January 1, 2000.

4 Oct 96 cO-1.1 Reg 1 s22.

Examination of plant

23 An employer, contractor or owner shall:

(a) arrange for the regular examination of any plant under the control of the employer or owner to ensure, to the extent that is reasonably practicable, that the plant is capable of:

(i) withstanding the stress likely to be imposed on the plant; and

(ii) safely performing the functions for which the plant is used; and

(b) as soon as is reasonably practicable, correct any unsafe condition found in the plant and take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected.

4 Oct 96 cO-1.1 Reg 1 s23.

Identifying mark of approved equipment

24 An employer, contractor or supplier shall ensure that equipment and personal protective equipment that is required by these regulations to be approved by a named agency has the seal, stamp, logo or similar identifying mark of the agency indicating that approval affixed to:

(a) the equipment or personal protective equipment; or

(b) the packaging with which the equipment or personal protective equipment is contained.

4 Oct 96 cO-1.1 Reg 1 s24.

Maintenance and repair of equipment

25(1) An employer shall ensure that all equipment is maintained at intervals that are sufficient to ensure the safe functioning of the equipment.

(2) Where a defect is found in equipment, an employer shall ensure that:

(a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is corrected; and

(b) the defect is corrected by a competent person as soon as is reasonably practicable.

(3) A worker who knows or has reason to believe that equipment under the worker's control is not in a safe condition shall:

(a) immediately report the condition of the equipment to the employer; and

(b) repair the equipment if the worker is authorized and competent to do so.

4 Oct 96 cO-1.1 Reg 1 s25.

Boilers and pressure vessels

26 An employer, contractor or owner shall ensure that any boiler or pressure vessel used at a place of employment that is not required to be inspected or registered pursuant to *The Boiler and Pressure Vessel Act* is properly constructed and maintained.

4 Oct 96 cO-1.1 Reg 1 s26.

Prohibition re use of compressed air

27 No employer shall require or permit compressed air to be directed towards a worker:

(a) for the purpose of cleaning clothing or personal protective equipment used by that worker; or

(b) for any other purpose if the use of compressed air may cause dispersion into the air of contaminants that may be harmful to workers.

4 Oct 96 cO-1.1 Reg 1 s27.

Inspection of place of employment

28(1) An employer, contractor or owner shall enable members of a committee or a representative to inspect a place of employment at reasonable intervals determined by the committee or the representative and employer.

(2) On written notice by the committee or the representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer, contractor or owner shall:

(a) take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected or the contravention is remedied;

(b) as soon as possible, take suitable actions to correct the unsafe condition or remedy the contravention; and

(c) inform the committee or the representative in writing of:

(i) the actions that the employer, contractor or owner has taken or will take pursuant to clause (b); or

(ii) if the employer, contractor or owner has not taken any actions pursuant to clause (b), the employer's, contractor's or owner's reasons for not taking action.

4 Oct 96 cO-1.1 Reg 1 s28.

Investigation of certain accidents

29(1) Subject to section 30, an employer shall ensure that every accident that causes or may cause the death of a worker or that requires a worker to be admitted to a hospital as an in-patient for a period of 24 hours or more is investigated as soon as is reasonably possible by:

(a) the co-chairpersons or their designates;

(b) the employer and the representative; or

(c) where there is no committee or representative, the employer.

(2) After the investigation of an accident, an employer, in consultation with the co-chairpersons or their designates, or with the representative, shall prepare a written report that includes:

(a) a description of the accident;

(b) any graphics, photographs or other evidence that may assist in determining the cause or causes of the accident;

(c) an explanation of the cause or causes of the accident;

(d) the immediate corrective action taken; and

(e) any long-term action that will be taken to prevent the occurrence of a similar accident or the reasons for not taking action.

4 Oct 96 cO-1.1 Reg 1 s29.

Prohibition re scene of accident

30(1) Unless expressly authorized by statute or by subsection (2), no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article, document or thing at the scene of or connected with an accident causing a death until an officer has completed an investigation of the circumstances surrounding the accident.

(2) Where an accident causing a death occurs and an officer is not able to complete an investigation of the circumstances surrounding the accident, an officer may, unless prohibited by statute, grant permission to move the wreckage, articles and things at the scene or connected with the accident to any extent that may be necessary to allow the work to proceed, if:

(a) graphics, photographs or other evidence showing details at the scene of the accident are made before the officer grants permission; and

(b) the co-chairpersons of a committee or the representative for the place of employment at which the accident occurred or their designates have inspected the site of the accident and agreed that the wreckage, article or thing may be moved.

4 Oct 96 cO-1.1 Reg 1 s30.

Investigation of dangerous occurrences

31(1) An employer, contractor or owner shall ensure that every dangerous occurrence described in subsection 9(1) is investigated as soon as is reasonably possible by:

(a) the co-chairpersons or their designates;

(b) the employer, contractor or owner and the representative; or

(c) where there is no committee or representative, the employer, contractor or owner.

(2) After the investigation of a dangerous occurrence, an employer, contractor or owner, in consultation with the co-chairpersons or their designates or with the representative, shall prepare a written report that includes:

(a) a description of the dangerous occurrence;

(b) any graphics, photographs or other evidence that may assist in determining the cause or causes of the dangerous occurrence;

(c) an explanation of the cause or causes of the dangerous occurrence;

(d) the immediate corrective action taken; and

(e) any long-term action that will be taken to prevent the occurrence of a similar dangerous occurrence or the reasons for not taking action.

4 Oct 96 cO-1.1 Reg 1 s31.

Injuries requiring medical treatment

32 An employer or contractor shall report to the co-chairpersons, the representative or their designates any lost-time injury at the place of employment that results in a worker receiving medical treatment and allow the co-chairpersons, the representative or their designates a reasonable opportunity to review the lost-time injury during normal working hours and without loss of pay or other benefits.

4 Oct 96 cO-1.1 Reg 1 s32.

Work where visibility is restricted

33 Where visibility in an area at a place of employment is restricted by smoke, steam or any other substance to the extent that a worker is at risk of injury, an employer or contractor shall not require or permit the worker to work in that area unless the employer or contractor provides the worker with an effective means of communication with another worker who is readily available to provide assistance in an emergency.

4 Oct 96 cO-1.1 Reg 1 s33.

Work or travel on ice over water, etc.

34(1) Before a worker is required or permitted to work or travel on ice that is over water or over other material into which a worker could sink more than one metre, an employer or contractor shall have the ice tested to ensure that the ice will support any load that the work or travel will place on the ice.

(2) Subsection (1) does not apply to winter roads built and maintained by the Department of Highways and Transportation.

4 Oct 96 cO-1.1 Reg 1 s34.

Working alone or at isolated place of employment

35(1) In this section, **"to work alone"** means to work at a worksite as the only worker of the employer or contractor at that worksite, in circumstances where assistance is not readily available to the worker in the event of injury, ill health or emergency.

(2) Where a worker is required to work alone or at an isolated place of employment, an employer or contractor, in consultation with the committee, the representative or, where there is no committee or representative, the workers, shall identify the risks arising from the conditions and circumstances of the worker's work or the isolation of the place of employment.

(3) An employer or contractor shall take all reasonably practicable steps to eliminate or reduce the risks identified pursuant to subsection (2).

(4) The steps to be taken to eliminate or reduce the risks pursuant to subsection (3):

(a) must include the establishment of an effective communication system that consists of:

(i) radio communication;

(ii) phone or cellular phone communication; or

(iii) any other means that provides effective communication in view of the risks involved; and

(b) may include any of the following:

(i) regular contact by the employer or contractor with the worker working alone or at an isolated place of employment;

(ii) limitations on, or prohibitions of, specified activities;

(iii) establishment of minimum training or experience, or other standards of competency;

(iv) provision of personal protective equipment;

(v) establishment of safe work practices or procedures;

(vi) provision of emergency supplies for use in travelling under conditions of extreme cold or other inclement weather conditions.

4 Oct 96 cO-1.1 Reg 1 s35.

Harassment

36(1) An employer, in consultation with the committee, shall develop a policy in writing to prevent harassment that includes:

(a) a definition of harassment that includes the definition in the Act;

(b) a statement that every worker is entitled to employment free of harassment;

(c) a commitment that the employer will make every reasonably practicable effort to ensure that no worker is subjected to harassment;

(d) a commitment that the employer will take corrective action respecting any person under the employer's direction who subjects any worker to harassment;

(e) an explanation of how complaints of harassment may be brought to the attention of the employer;

(f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is:

(i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint; or

(ii) required by law;

(g) a reference to the provisions of the Act respecting harassment and the worker's right to request the assistance of an occupational health officer to resolve a complaint of harassment;

(h) a reference to the provisions of *The Saskatchewan Human Rights Code* respecting discriminatory practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission;

(i) a description of the procedure that the employer will follow to inform the complainant and the alleged harasser of the results of the investigation; and

(j) a statement that the employer's harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

(2) An employer shall:

(a) implement the policy developed pursuant to subsection (1); and

(b) post a copy of the policy in a conspicuous place that is readily available for reference by workers.

4 Oct 96 cO-1.1 Reg 1 s36.

Violence

37(1) In this section, **"violence"** means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

(2) On and after January 1, 1997, places of employment that provide the following services or activities are prescribed for the purposes of subsection 14(1) of the Act:

(a) services provided by health care facilities mentioned in sub-clauses 468(b)(i) to (v) and (xii);

(b) pharmaceutical-dispensing services;

(c) education services;

(d) police services;

(e) corrections services;

(f) other law enforcement services;

(g) security services;

(h) crisis counselling and intervention services;

(i) late night retail premises as defined in section 37.1;

(j) financial services;

(k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages;

(l) taxi services;

(m) transit services.

(3) A policy statement required by subsection 14(1) of the Act must be in writing and must include:

(a) the employer's commitment to minimize or eliminate the risk;

(b) the identification of the worksite or worksites where violent situations have occurred or may reasonably be expected to occur;

(c) the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations;

(d) the procedure to be followed by the employer to inform workers of the nature and extent of risk from violence, including, except where the disclosure is prohibited by law, any information in the employer's possession related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work;

(e) the actions the employer will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements and engineering controls;

(f) the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the employer;

(g) the procedure the employer will follow to document and investigate a violent incident reported pursuant to clause (f);

(h) a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post-incident counselling; and

(i) the employer's commitment to provide a training program for workers that includes:

(i) the means to recognize potentially violent situations;

(ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers;

(iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and

(iv) procedures for reporting violent incidents.

(4) Where a worker receives treatment or counselling mentioned in clause (3)(h) or attends a training program mentioned in clause (3)(i), an employer shall credit the worker's attendance as time at work and ensure that the worker loses no pay or other benefits.

(5) An employer shall make readily available for reference by workers a copy of the policy statement required by subsection 14(1) of the Act.

(6) An employer shall ensure that the policy statement required by subsection 14(1) of the Act is reviewed and, where necessary, revised every three years and whenever there is a change of circumstances that may affect the health or safety of workers.

4 Oct 96 cO-1.1 Reg 1 s37; 9 Nov 2012 SR 75/2012 s3.

Safety measures – retail premises

37.1(1) In this section, **"late night retail premises"** means a place of employment that is open to the public between the hours of 11:00 p.m. and 6:00 a.m. for the purposes of making retail sales to consumers.

(2) In addition to the requirements imposed by sections 35 and 37, an employer of workers at a late night retail premises shall conduct a workplace hazard assessment in accordance with an approved industry standard.

(3) The employer shall conduct the workplace hazard assessment required by subsection (2):

(a) in the case of an employer who operates a late night retail premises on the day on which this section comes into force, as soon as is reasonably practicable after the day on which this section comes into force;

(b) in the case of an employer who operates a place of employment that becomes a late night retail premises after the day on which this section comes into force, as soon as is reasonably practicable after the day on which the place of employment became a late night retail premises.

(4) An employer shall ensure that the workplace hazard assessment required by subsection (2) is reviewed and, if necessary, revised every three years and whenever there is a change of circumstances that may affect the health or safety of workers.

(5) In addition to the requirements of sections 35 and 37, an employer of workers at a late night retail premises shall implement the following security measures:

(a) the development of written safe cash handling procedures that minimize the amount of money that is readily accessible to the worker in the establishment;

(b) the use of video cameras that capture key areas in the workplace, including the cash desk and the outdoor gas pumps, if applicable;

(c) the establishment of measures to ensure good visibility into and out of the premises; and

(d) the placement of signs to indicate:

(i) the worker's limited accessibility to cash and valuables; and

(ii) the use of video cameras on the premises.

(6) An employer of workers at a late night retail premises that has one worker working alone between the hours of 11:00 p.m. and 6:00 a.m. shall, in addition to the requirements set out in section 35 and subsection (5):

(a) implement a check-in system and a written check-in procedure for that worker; and

(b) provide a personal emergency transmitter to be worn by the worker that signals for emergency response when activated.

9 Nov 2012 SR 75/2012 s4.

PART IV
Committees and Representatives

Committees at construction sites

38 A contractor shall establish a committee at a construction site at which 10 or more workers or self-employed persons work or are likely to work for more than 90 days.

4 Oct 96 cO-1.1 Reg 1 s38.

Designation of committee members

39(1) An employer or contractor who is required to establish a committee shall:

(a) in designating the members:

(i) select persons to represent the employer or contractor on the committee; and

(ii) ensure that there is a sufficient number of members representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns; and

(b) designate members for a term not exceeding three years.

(2) Members of a committee hold office until a successor is designated, and may be re-designated for a second or subsequent term.

4 Oct 96 cO-1.1 Reg 1 s39.

Quorum and certain votes

40(1) A quorum consists of one-half of the members of a committee, where:

(a) representatives of both employers and workers are present; and

(b) at least one-half of the members present represent workers.

(2) Any business of a committee that is transacted where a quorum is not present is not validly transacted, and any meeting of a committee that is held where a quorum is not present is not a valid meeting of the committee.

(3) Decisions of a committee with respect to refusals to work pursuant to section 23 of the Act must be by unanimous vote of members of the committee who are present.

4 Oct 96 cO-1.1 Reg 1 s40.

Frequency of meetings

41(1) Subject to subsection (2), a committee shall:

(a) hold its first meeting within two weeks after being established;

(b) hold three subsequent meetings at intervals not exceeding one month; and

(c) after that, hold regular meetings at intervals not exceeding three months.

(2) The director may require a committee to meet more frequently than subsection (1) requires because of any of the following factors at the place of employment:

(a) the existence of particular hazards or circumstances;

(b) the complexity of the operation;

(c) the number of workers.

4 Oct 96 cO-1.1 Reg 1 s41.

Minutes

42(1) A committee shall:

(a) record minutes of each meeting in a format provided by the division and keep the minutes on file with the committee;

(b) **Repealed.** 21 Mar 2014 SR 5/2014 s3.

(c) post a copy of the minutes at a location that is readily accessible to workers at the place of employment until all concerns recorded in the minutes are resolved.

(2) The employer shall maintain a copy of the minutes and have them readily available for inspection by a committee member or an occupational health officer.

4 Oct 96 cO-1.1 Reg 1 s42; 21 Mar 2014 SR 5/2014 s3.

Co-chairpersons

43(1) At the first meeting of a committee:

(a) members of the committee representing workers shall elect a worker co-chairperson from among their number; and

(b) the employer or contractor shall appoint an employer or contractor co-chairperson from the members of the committee representing the employer or contractor.

(2) An employer or contractor co-chairperson shall keep the employer or contractor informed of the activities, concerns and recommendations of the committee and of any information addressed to the committee.

(3) A worker co-chairperson shall keep the workers informed of the activities, concerns and recommendations of the committee and of any information addressed to the committee.

(4) An employer or contractor shall facilitate the discharge of the worker co-chairperson's duties during normal work hours by permitting meetings of workers or by other means that are appropriate in the circumstances.

4 Oct 96 cO-1.1 Reg 1 s43.

Special meetings

44 Either co-chairperson may call a special meeting of a committee to deal with urgent concerns, imminent dangers to health or safety, investigations of accidents or dangerous occurrences or refusals to work pursuant to section 23 of the Act.

4 Oct 96 cO-1.1 Reg 1 s44.

Designation of representative

45(1) On and after July 1, 1997, the places of employment set out in Table 7 of the Appendix where more than four but fewer than 10 workers of one employer work are prescribed for the purposes of section 16 of the Act.

(2) An employer at a place of employment described in subsection (1) shall designate a representative for the workers at that place of employment not later than the day on which the place of employment is prescribed pursuant to sub-section (1).

4 Oct 96 cO-1.1 Reg 1 s45.

Training of representatives, committee members

46(1) At a place of employment where a representative is designated, an employer shall ensure that the representative receives training respecting the duties and functions of a representative.

(2) At a place of employment where a committee is established, an employer or contractor shall ensure that the co-chairpersons of the committee receive training respecting the duties and functions of a committee.

(3) Where a member of a committee or a representative gives reasonable notice, an employer or contractor shall permit the member or representative to take leave for a period or periods of not more than five working days per year to attend occupational health and safety training programs, seminars or courses of instruction.

(4) Where a member of a committee or a representative attends a training program, seminar or course of instruction on health and safety matters conducted or provided by the division or by an approved training agency, an employer or contractor shall credit the member's or representative's attendance as time at work and ensure that the member or representative loses no pay or other benefits.

4 Oct 96 cO-1.1 Reg 1 s46.

Meetings of employers and representatives

47(1) At a place of employment where a representative is designated, an employer shall meet with the representative regularly to discuss health and safety matters.

(2) A representative may call a special meeting with an employer to deal with urgent concerns, imminent dangers to health or safety or investigations of accidents or dangerous occurrences.

4 Oct 96 cO-1.1 Reg 1 s47.

Opportunity for necessary activities

48(1) An employer or contractor shall ensure that:

(a) the members of a committee or a representative are allowed to examine any log book, inspection report or other record that the employer or contractor is required to keep at the place of employment pursuant to the Act or any regulations made pursuant to the Act;

(b) members of a committee or a representative have reasonable opportunity, during normal working hours and without loss of pay or other benefits, to receive and investigate concerns, to inform workers of the provisions of the Act or any regulations made pursuant to the Act or to conduct other business proper to the functioning of the committee or the representative;

(c) members of a committee have reasonable opportunity to hold a special meeting pursuant to section 44 at any time; and

(d) a representative has reasonable opportunity to hold a special meeting pursuant to subsection 47(2) at any time.

(2) An employer or contractor shall ensure that no member of a committee or representative who participates in a regular meeting held pursuant to section 41 or subsection 47(1) or in a special meeting held pursuant to section 44 or 49 or subsection 47(2) loses any pay or other benefits as a result of that participation.

4 Oct 96 cO-1.1 Reg 1 s48.

Meetings called by officer

49 An officer may call a special meeting of a committee, of several committees jointly, of the co-chairpersons of committees or with a representative for the purpose of:

(a) ensuring the proper functioning of the committee, committees or representative;

(b) providing information to the committee, committees, co-chairpersons or representative; or

(c) providing education concerning occupational health or safety at work to the committee, committees, co-chairpersons or representative.

4 Oct 96 cO-1.1 Reg 1 s49.

PART V
First Aid

Interpretation

50 In this Part:

(a) **"agency"** means a body, person, association, society or other organization that delivers first aid training courses and cardiopulmonary resuscitation training courses by one or more competent instructors;

(b) **"close"**, in relation to a place of employment or worksite, means a place of employment or worksite that is not more than 30 minutes' travel time from a hospital or medical facility under normal travel conditions using the available means of transportation;

(c) **"distant"**, in relation to a place of employment or worksite, means a place of employment or worksite that is more than 30 minutes' but less than two hours' travel time from a hospital or medical facility under normal travel conditions using the available means of transportation;

(d) **"high-hazard work"** means work regularly involving any activity set out in Table 8 of the Appendix;

(e) **"instructor"** means a person who has successfully completed first aid and cardiopulmonary resuscitation instructor training;

(f) **"isolated"**, in relation to a place of employment or worksite, means a place of employment or worksite:

(i) that is more than two hours' travel time from a hospital or medical facility under normal travel conditions using the available means of surface transportation; or

(ii) for which transport by aircraft is the normal mode of transport;

(g) **"low-hazard work"** means work of an administrative, professional or clerical nature that does not require substantial physical exertion or exposure to potentially hazardous conditions, work processes or substances;

(h) **"medical facility"** means a medical clinic or office where a physician or registered nurse is always readily available.

4 Oct 96 cO-1.1 Reg 1 s50.

Application

51 This Part does not apply to:

(a) a hospital, medical clinic, physician's office, nursing home or other health care facility where a physician or a registered nurse is always readily available; or

(b) a close place of employment at which the work performed is entirely low-hazard work.

4 Oct 96 cO-1.1 Reg 1 s51.

Provision of first aid

52 Subject to section 53, an employer, contractor or owner shall:

(a) provide the personnel, supplies, equipment, facilities and transportation required by this Part to render prompt and appropriate first aid to workers at every worksite;

(b) in consultation with the committee, the representative or, where there is no committee or representative, the workers, review the provisions of this Part;

(c) if the provisions of this Part are not adequate to meet any specific hazard at a place of employment, provide additional suitable personnel, supplies, equipment and facilities that are appropriate for the hazard; and

(d) ensure that, where a worker may be entrapped or incapacitated in a situation that may be dangerous to any person involved in the rescue operation:

(i) an effective written procedure for the rescue of that worker is developed; and

(ii) suitable personnel and rescue equipment are provided.

4 Oct 96 cO-1.1 Reg 1 s52.

More than one employer

53(1) Where more than one employer has workers at the same place of employment:

(a) the employers and any contractor or owner may agree in writing to provide collectively the personnel, supplies, equipment, facilities and transportation for injured workers required by this Part; or

(b) the director may, by notice in writing, require all employers, contractors and owners to provide collectively the personnel, supplies, equipment, facilities and transportation for injured workers required by this Part.

(2) Where subsection (1) applies, the total number of workers of all employers at the place of employment is deemed to be the number of workers at the place of employment.

4 Oct 96 cO-1.1 Reg 1 s53.

First aid personnel

54(1) An employer or contractor shall:

(a) provide the personnel and supplies set out in Table 9 of the Appendix for:

(i) the type of work carried out at the place of employment;

(ii) the distance of the place of employment from the nearest medical facility; and

(iii) the number of workers at the place of employment at any one time; and

(b) ensure that the personnel are readily available during working hours.

(2) An employer or contractor shall ensure that the personnel required pursuant to subsection (1) have the qualifications set out in Table 1 or Table 3 of the Appendix, as the case may require.

(3) A person who possesses credentials in first aid that, in the opinion of the director, are equivalent to or superior to the credentials required for a place of employment may serve as a first aid attendant at that place of employment.

(4) Where rescue personnel are required by these regulations to be provided at a worksite, an employer or contractor shall ensure that at least one first aid attendant with a class A qualification is readily available during working hours, whether or not the employer or contractor is required to provide a class A first aid attendant pursuant to subsection (1).

(5) Notwithstanding any other provision of this Part, where an employer, contractor or owner provides lodging for workers at or near an isolated or distant place of employment, the employer, contractor or owner shall provide the personnel, supplies, equipment and facilities required pursuant to Tables 9 to 12 of the Appendix based on the total number of workers at or near the place of employment, whether or not the workers are all working at any one time.

(6) An employer or contractor shall:

(a) allow a first aid attendant and any other worker that the first aid attendant needs for assistance to provide prompt and adequate first aid to a worker who has been injured or taken ill; and

(b) ensure that the first aid attendant and any worker assisting the first aid attendant have adequate time, with no loss of pay or other benefits, to provide the first aid.

4 Oct 96 cO-1.1 Reg 1 s54.

Certificates

55(1) No certificate issued by an agency is valid for the purposes of this Part unless the certificate specifies the duration and content of the course for which the certificate is issued and the expiry date of the certificate.

(2) A certificate may specify:

(a) a period not exceeding three years for which the certificate is valid; and

(b) the conditions for the renewal of the certificate.

4 Oct 96 cO-1.1 Reg 1 s55.

First aid station

56(1) An employer or contractor shall provide and maintain for every worksite a readily accessible first aid station that contains:

(a) a first aid box containing the supplies and equipment set out in Table 10 of the Appendix;

(b) a suitable first aid manual; and

(c) any other supplies and equipment required by these regulations.

(2) An employer or contractor shall ensure that:

(a) the location of a first aid station is clearly and conspicuously identified; and

(b) at a first aid station, an appropriate emergency procedure is prominently displayed that includes:

(i) an emergency telephone list or other instructions for reaching the nearest fire, police, ambulance, physician, hospital or other appropriate service; and

(ii) any written rescue procedure required by subclause 52(d)(i).

4 Oct 96 cO-1.1 Reg 1 s56; 31 Jan 97 SR 6/97 s4.

First aid register

57 An employer or contractor shall ensure that:

(a) each first aid station is provided with a first aid register;

(b) all particulars of the following are recorded in the first aid register:

(i) each first aid treatment administered to a worker while at work;

(ii) each case referred for medical attention;

(c) a first aid register is readily available for inspection by the committee or representative; and

(d) a first aid register no longer in use is retained at the place of employment for a period of not less than five years from the day on which the register ceased to be used.

4 Oct 96 cO-1.1 Reg 1 s57.

First aid room

58 Where there are likely to be 100 or more workers at a distant or isolated place of employment at any one time, an employer, contractor or owner shall provide a first aid room that:

(a) is of adequate size, is clean and is provided with adequate lighting, ventilation and heating;

(b) is equipped with:

(i) a permanently installed sink, with hot and cold water;

(ii) the first aid supplies and equipment required by this Part; and

(iii) a cot or bed with a moisture-protected mattress and pillows;

(c) is readily accessible to workers;

(d) is under the charge of a first aid attendant with the qualifications required by this Part who is readily available to provide first aid; and

(e) is used exclusively for the purposes of administering first aid and medical examinations and to provide rest for persons who are injured or ill.

4 Oct 96 cO-1.1 Reg 1 s58.

Workers being transported

59 Where workers are being transported by an employer or contractor to or from work or at work, and a first aid station, medical clinic, physician's office, hospital or other health care facility is not readily available, an employer or contractor shall provide a first aid box that contains at least the supplies and equipment listed in Table 10 of the Appendix and that is readily available to the workers being transported.

4 Oct 96 cO-1.1 Reg 1 s59.

First aid supplies and equipment

60(1) An employer or contractor shall ensure that:

(a) all first aid supplies and equipment are protected and kept in a clean and dry state;

(b) no supplies, equipment or materials other than supplies and equipment for first aid are kept in the first aid box mentioned in clause 56(1)(a);

(2) At a place of employment where a first aid attendant is required pursuant to section 54, an employer or contractor shall provide the additional first aid supplies and equipment set out:

(a) in Table 11 of the Appendix where a first aid attendant with a class A qualification is required; and

(b) in Table 12 of the Appendix where a first aid attendant with a class B qualification or an emergency medical technician's licence is required.

(3) At a distant or isolated place of employment, an employer or contractor shall provide and make readily accessible to workers two blankets, a stretcher and splints for the upper and lower limbs.

4 Oct 96 cO-1.1 Reg 1 s60.

Transportation of injured workers

61(1) An employer or contractor shall ensure that a means of transportation for injured workers to a medical facility or hospital is available.

(2) The following meet the requirements of subsection (1):

(a) an ambulance service that is within 30 minutes' travel time from the ambulance base to the place of employment under normal travel conditions; or

(b) a means of transportation that is suitable, having regard to the distance to be travelled and the risks to which workers are exposed, that affords protection against the weather and is equipped, where reasonably practicable, with a means of communication that permits contact with the medical facility or hospital to which the injured worker is being transported and with the place of employment.

(3) Where a stretcher is required to be provided pursuant to subsection 60(3), an employer or contractor shall ensure that the means of transportation provided pursuant to clause (2)(b) is capable of accommodating and securing an occupied stretcher.

(4) An employer or contractor shall provide a means of communication to summon the transportation required by subsection (1).

(5) Where a worker is seriously injured or, in the opinion of a first aid attendant, needs to be accompanied during transportation, an employer or contractor shall ensure that the worker is accompanied by a first aid attendant during transportation.

4 Oct 96 cO-1.1 Reg 1 s61.

Asphyxiation and poisoning

62 Where a worker is at risk of asphyxiation or poisoning, an employer or contractor shall ensure that all practicable emergency arrangements are made for the rescue of the worker and for the prompt provision of antidotes, supportive measures, first aid, medical attention and any other measures that are appropriate to the nature and probable effects of the asphyxia or poisoning.

4 Oct 96 cO-1.1 Reg 1 s62.

Additional provisions

63 Where, in the opinion of the director, first aid and emergency arrangements at a place of employment or worksite are inadequate, the director may, by notice in writing, require the employer or contractor to make additional provisions.

4 Oct 96 cO-1.1 Reg 1 s63.

PART VI
General Health Requirements

Sanitation

64(1) An employer, contractor or owner shall ensure that a place of employment is sanitary and kept as clean as is reasonably practicable and shall ensure, to the extent that is reasonably practicable, that:

(a) dirt and debris are removed at least daily by a suitable method from all floors, working surfaces, stairways and passages;

(b) floors are cleaned at least once each week by washing, vacuum cleaning or any other effective and suitable method; and

(c) all inside walls, partitions, ceilings, passages and staircases are clean and are suitably finished and maintained.

(2) Where a worker may be exposed to refuse, spills or waste materials that may pose a risk to the worker's health or safety, an employer or contractor shall ensure that the refuse, spill or waste material is removed by a suitable method from the worksite as soon as is practicable.

4 Oct 96 cO-1.1 Reg 1 s64.

Ventilation and air supply

65 An employer, contractor or owner shall:

(a) ensure the adequate ventilation of a place of employment; and

(b) to the extent that is reasonably practicable, render harmless and inoffensive, and prevent the accumulation of, any contaminants or impurities in the air by providing an adequate supply of clean and wholesome air and maintaining its circulation throughout the place of employment.

4 Oct 96 cO-1.1 Reg 1 s65.

Mechanical ventilation

66(1) An employer, contractor or owner shall provide a mechanical ventilation system in a place of employment that is sufficient and suitable to protect the workers against inhalation of a contaminant and to prevent accumulation of the contaminant and ensure that the mechanical ventilation system is maintained and properly used, where any work, activity or process in the place of employment gives off:

(a) a dust, fume, gas, mist, aerosol or vapour or other contaminant of a kind and quantity that is likely to be hazardous to workers; or

(b) substantial quantities of contaminants of any kind.

(2) An employer, contractor or owner who provides a mechanical ventilation system at a place of employment, whether required by subsection (1) or not, shall ensure that the system provides sufficient fresh and tempered air to replace the air exhausted by ventilation.

(3) Where practicable, an employer, contractor or owner shall ensure that a mechanical ventilation system required by subsection (1):

(a) includes local exhaust ventilation that is installed and maintained at or near the point of origin of the contaminant so as to prevent effectively the contaminant from entering the air of the place of employment; and

(b) is equipped with a device that will provide a warning to workers when the system is not working effectively.

(4) An employer, contractor or owner shall ensure that contaminants removed by a mechanical ventilation system required by subsection (1) are:

(a) exhausted clear of the place of employment; and

(b) where reasonably practicable, prevented from entering any place of employment.

(5) An employer, contractor or owner shall ensure that effective provision is made for the immediate protection of workers in the event of failure of a mechanical ventilation system required by subsection (1).

(6) Where an air cleaning system is used to clean recirculated air, an employer, contractor or owner shall ensure that the air cleaning system is designed, installed and maintained to remove particulate and gaseous contaminants at a rate that is sufficient to protect the health and safety of workers and, where reasonably practicable, to render the air inoffensive.

4 Oct 96 cO-1.1 Reg 1 s66.

Cleaning and maintaining ventilation systems

67(1) An employer, contractor or owner shall ensure that:

(a) the mechanical ventilation system, including any humidification equipment, is constructed and maintained to minimize the growth and dissemination of micro-organisms, insects and mites through the ventilation system; and

(b) where reasonably practicable, the components of a mechanical ventilation system are readily accessible for cleaning and inspection.

(2) An employer, contractor or owner shall ensure that a competent person inspects and maintains all parts of a mechanical ventilation system, cleans all louvres and replaces or adequately cleans all filters at a frequency that is sufficient to protect the health and safety of the workers.

(3) An employer, contractor or owner shall keep all ventilation openings free of any obstruction or source of contamination.

(4) An employer, contractor or owner shall ensure that a record of all inspections, maintenance and cleaning of a mechanical ventilation system required by subsection 66(1):

(a) is made by the competent person who performs the work; and

(b) is readily available for examination by the committee, the representative or, where there is no committee or representative, the workers.

4 Oct 96 cO-1.1 Reg 1 s67.

Space

68(1) An employer or contractor shall ensure that no part of a place of employment is overcrowded to a degree that may cause risk of injury to workers.

(2) Without limiting the generality of subsection (1), an employer or contractor shall ensure that there is at least 10 cubic metres of space for each worker employed at any one time at a worksite.

(3) For the purposes of subsection (2), no space that is more than three metres from the floor and no space occupied by solid objects is to be taken into account.

4 Oct 96 cO-1.1 Reg 1 s68.

Lighting

69(1) While workers are present at a worksite, an employer, contractor or owner shall provide lighting that is sufficient to protect the health and safety of workers and suitable for the work to be done at the worksite.

(2) An employer, contractor or owner shall ensure that the illumination of all parts of a place of employment where workers pass, other than underground at a mine, is at least five decalux.

(3) Where failure of the regular lighting system is likely to create conditions dangerous to the health or safety of workers, an employer, contractor or owner shall provide appropriate emergency lighting of at least five decalux for the worksite and exit routes from the worksite.

(4) An employer, contractor or owner shall ensure that:

(a) light fixtures, windows and skylights that provide light for work are, where practicable, kept clean and free from any obstruction, except for special treatment of light fixtures, windows or skylights to reduce heat or glare; and

(b) artificial light sources and reflective surfaces are positioned, screened or provided with a shade, where practicable, to prevent glare or the formation of shadows that cause discomfort or a risk of accident to a worker.

4 Oct 96 cO-1.1 Reg 1 s69.

Thermal conditions

70(1) Subject to subsection (3), in an indoor place of employment, an employer, contractor or owner shall provide and maintain thermal conditions, including air temperature, radiant temperature, humidity and air movement, that:

(a) are appropriate to the nature of the work performed;

(b) provide effective protection for the health and safety of workers; and

(c) provide reasonable thermal comfort for workers.

(2) At an indoor place of employment where the thermal environment is likely to be a health or safety concern to the workers, an employer, contractor or owner shall provide and maintain an appropriate and suitably located instrument for measuring the thermal conditions.

(3) Where it is not reasonably practicable to control thermal conditions or where work is being performed outdoors, an employer, contractor or owner shall provide and maintain measures for:

(a) the effective protection of the health and safety of workers; and

(b) the reasonable thermal comfort of workers.

(4) Measures for the purposes set out in subsection (3) may include, but are not limited to, the following:

(a) frequent monitoring of thermal conditions;

(b) the provision of special or temporary equipment, including screens, shelters and temporary heating or cooling equipment;

(c) the provision of suitable clothing or personal protective equipment;

(d) the provision of hot or cold drinks;

(e) the use of acclimatization or other physiological procedures;

(f) the use of limited work schedules with rest and recovery periods, changes in workloads, changes in hours or other arrangements for work;

(g) frequent observation of workers by a person who is trained to recognize the symptoms of physiological stress resulting from extreme temperatures;

(h) the provision of emergency supplies for use when travelling under extremely cold or inclement weather conditions.

(5) Where a worker is required to work in thermal conditions that are different from those associated with the worker's normal duties, an employer or contractor shall provide, and require the worker to use, any suitable clothing or other personal protective equipment that is necessary to protect the health and safety of the worker.

4 Oct 96 cO-1.1 Reg 1 s70.

Toilet facilities

71(1) An employer, contractor or owner shall ensure that suitable and readily accessible toilet facilities for workers:

(a) are provided at a place of employment, maintained and kept clean;

(b) are sufficient in number for the number of workers at the place of employment at any one time; and

(c) have adequate provision for privacy, heat, light and ventilation.

(2) Subject to subsections (3) to (6), on and after July 1, 1997, the minimum number of toilet facilities required pursuant to subsection (1) is set out in Table 13 of the Appendix.

(3) Where toilet facilities are likely to be used by persons other than workers, an employer, contractor or owner shall provide additional toilets in a number that is proportionate to the number set out in Table 13 of the Appendix and, where use by those other persons is substantial and frequent, the employer, contractor or owner shall provide separate toilet facilities for those other persons.

(4) Where there are more than 10 workers and both male and female persons are employed at any time, an employer, contractor or owner shall provide separate toilet facilities for workers of each sex in numbers that are proportionate to the numbers of male and female persons employed.

(5) Where each toilet compartment is completely enclosed from floor to ceiling and has a door that can be locked from the inside, an employer, contractor or owner is deemed to have met the requirements of subsection (4).

(6) Where more than 100 male persons work or are likely to work on any shift and sufficient urinal accommodations are provided, the minimum number of toilet facilities set out in Table 13 of the Appendix may be reduced with the permission of an officer.

(7) An employer, contractor or owner shall ensure that each toilet facility required by this section:

(a) is used exclusively for the purposes for which the facility is designed;

(b) is free from any obstacle or obstruction that could prevent the facility from being used;

(c) is kept free of vermin;

(d) is supplied with toilet tissue at all times and with easily cleanable, covered receptacles for waste materials; and

(e) except in the case of a urinal, is equipped with an individual compartment and a door that can be locked from the inside.

4 Oct 96 cO-1.1 Reg 1 s71.

Personal washing

72 An employer, contractor or owner shall provide and maintain for the use of workers suitable facilities for personal washing that:

(a) are located near each toilet at a place of employment;

(b) have a supply of clean hot and cold water or warm water, soap and clean towels or other suitable means of cleaning and drying;

(c) have an easily cleanable, covered receptacle for waste materials;

(d) are adequately heated, ventilated and lighted; and

(e) are kept in a clean and neat condition.

4 Oct 96 cO-1.1 Reg 1 s72.

Clothing

73(1) Subject to subsection (2), an employer, contractor or owner shall provide at a place of employment and maintain for the use of workers clean, appropriately located and suitable accommodation for street clothing that is not worn at work and for clothing worn at work.

(2) Where street clothing not worn at work is likely to become wet, dirty or contaminated from being kept in the same accommodation as clothing worn at work, the accommodation for street clothing must be separate from the accommodation provided for clothing worn at work.

(3) Where a worker's work clothing or skin is likely to be contaminated by hazardous or offensive substances, an employer or contractor shall:

(a) provide protective clothing and head cover appropriate to the work and hazard;

(b) provide a suitable changing area; and

(c) ensure that the clothing and head cover is handled and cleaned or disposed of in a manner that will prevent worker exposure to hazardous or offensive substances.

4 Oct 96 cO-1.1 Reg 1 s73.

Change and shower facilities

74 Where a worker's skin is likely to be contaminated by harmful or offensive substances as part of the regular work processes at a place of employment, an employer, contractor or owner shall:

(a) where reasonably practicable, provide and maintain suitable, adequate and clean change and shower facilities; and

(b) allow sufficient time, during normal working hours without loss of pay or other benefits, for the worker to use the facilities.

4 Oct 96 cO-1.1 Reg 1 s74.

Eating areas

75(1) An employer, contractor or owner shall provide sufficient, suitable areas that are kept clean, dry, thermally comfortable and reasonably quiet for workers to eat and drink during work breaks.

(2) At places of employment where the substances used in the work or the work processes are dusty, dirty or otherwise likely to contaminate a worker's person, clothing or food, the employer, contractor or owner shall provide an eating area that is separate from the worksite and close to washing facilities.

4 Oct 96 cO-1.1 Reg 1 s75.

Drinking water

76(1) An employer, contractor or owner shall provide, at suitable points that are readily accessible to all workers, an adequate supply of clean and safe drinking water.

(2) Where the supply of drinking water at a place of employment is not piped, an employer, contractor or owner shall:

(a) provide drinking water in suitable covered containers;

(b) protect the drinking water from contamination; and

(c) change the drinking water as often as is necessary to ensure that the water is clean and safe to drink.

(3) Except where drinking water is supplied in an upward jet, an employer, contractor or owner shall provide an adequate supply of disposable cups near each supply of drinking water.

(4) Where it is necessary to identify the supply of drinking water, an employer, contractor or owner shall clearly indicate the supply of drinking water with a sign that says "Drinking Water" or by another visual means.

(5) Where there is a supply of water at a place of employment that is unfit for drinking, an employer, contractor or owner shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.

4 Oct 96 cO-1.1 Reg 1 s76.

Smoking

77(1) In this section:

(a) **"enclosed place of employment"** means a place of employment that is within a building or another enclosed place and includes:

(i) a vehicle; and

(ii) any of the following areas of an underground mine:

(A) a mine shaft;

(B) a refuge station required pursuant to *The Mines Regulations, 2003*;

(C) a lunch room;

(D) any area, other than one mentioned in paragraphs (A) to (C), that is within 10 metres of where a worker, self-employed person, employer, contractor or owner is present;

(b) **"enclosed work-related area"** means a work-related area that is within a building or another enclosed place;

(c) **"enclosed worksite"** means a worksite that is within a building or another enclosed place;

(d) **"smoke"** means to smoke, hold or otherwise have control over ignited tobacco;

(e) **"tobacco"** means tobacco in any form in which it is used or consumed, and includes snuff and raw leaf tobacco, but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act* (Canada) applies.

(2) Subject to subsections (3) and (4), an employer, contractor or owner shall ensure that no person smokes in:

(a) an enclosed place of employment;

(b) an enclosed work-related area; or

(c) any other place of employment where smoking is prohibited by law.

(3) Subsection (2) does not apply to the following places or persons:

(a) an enclosed place of employment or enclosed work-related area while it is being used with the consent of the proprietor for traditional Aboriginal spiritual or cultural practices or ceremonies, if the use of tobacco is an integral part of the traditional Aboriginal spiritual or cultural practices or ceremonies being carried out in the enclosed place of employment or enclosed work-related area;

(b) residents or persons visiting residents in an enclosed place that:

(i) is ventilated separately from the rest of the enclosed place of employment or enclosed work-related area;

(ii) is within:

(A) a facility designated as a special-care home pursuant to *The Regional Health Services Act*; or

(B) a personal care home as defined in *The Personal Care Homes Act* that offers care and accommodation to more than 10 persons; and

(iii) meets the requirements prescribed in *The Tobacco Control Act* and the regulations made pursuant to that Act.

(4) No person while at work shall smoke in any enclosed place of employment or enclosed work-related area where smoking is prohibited pursuant to this section unless:

(a) the person is:

(i) a self-employed person in a place of employment that:

(A) is ventilated separately from other places of employment or work-related areas; and

(B) is owned by the self-employed person;

(ii) a worker in a vehicle who has the permission of the owner or lessee of the vehicle to smoke in the vehicle; or

(iii) a self-employed person or worker who is the sole occupant of a work camp living accommodation if:

(A) the living accommodation is ventilated separately from other places of employment or enclosed work-related areas; and

(B) the self-employed person or worker has the permission of the owner or operator of the work camp to smoke in the living accommodation;

(b) no other worker, self-employed person, employer, contractor or owner is present on a frequent and regular basis in any of the places of employment or enclosed work-related areas mentioned in clause (a); and

(c) no other worker, self-employed person, employer, contractor or owner is present when the person mentioned in clause (a) is smoking.

(5) Subject to subsection (6), a worker may refuse to enter an enclosed worksite if:

(a) visible tobacco smoke is present; or

(b) fewer than 30 minutes have passed since a tobacco product was extinguished in the enclosed worksite, whether or not visible tobacco smoke is present.

(6) Subsection (5) does not apply where the worker is required to enter the enclosed worksite to prevent imminent injury or damage to persons or property located within the enclosed worksite.

(7) If smoking is permitted pursuant to subsection (3) or (4), an employer, contractor or owner shall:

(a) restrict workers' exposure or self-employed persons' exposure to second-hand tobacco smoke to the extent that is reasonably practicable; and

(b) inform workers and self-employed persons of the risk to their health from second-hand tobacco smoke.

(8) An employer, contractor or owner shall ensure that in every enclosed place of employment where smoking is prohibited:

(a) signs are posted in locations that are clearly visible to those entering the enclosed place of employment that indicate that smoking is prohibited; and

(b) no ashtray or other receptacle designed to be used as an ashtray is present within the enclosed place of employment.

14 Nov 2008 SR 109/2008 s2; 29 May 2009 SR 54/2009 s2.

Lifting and handling loads

78(1) An employer or contractor shall ensure, where reasonably practicable, that suitable equipment is provided and used for the handling of heavy or awkward loads.

(2) Where the use of equipment is not reasonably practicable, an employer or contractor shall take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or to otherwise minimize the manual handling required.

(3) An employer or contractor shall ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker's health or safety.

(4) An employer or contractor shall ensure that a worker who is to engage in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding or carrying of loads.

4 Oct 96 cO-1.1 Reg 1 s78.

Standing

79(1) Where workers are required to stand for long periods in the course of their work, an employer or contractor shall provide adequate anti-fatigue mats, footrests or other suitable devices to give relief to workers.

(2) Where wet processes are used, an employer or contractor shall ensure that reasonable drainage is maintained and that false floors, platforms, mats or other dry standing places are provided, maintained and kept clean.

4 Oct 96 cO-1.1 Reg 1 s79.

Sitting

80(1) Where, in the course of their work, workers have reasonable opportunities for sitting without substantial detriment to their work, an employer or contractor shall provide and maintain for their use appropriate seating to enable the workers to sit.

(2) Where a substantial portion of any work can properly be done sitting, an employer or contractor shall provide and maintain:

(a) a seat that is suitably designed, constructed, dimensioned and supported for the worker to do the work; and

(b) where needed, a footrest that can readily and comfortably support the worker's feet.

4 Oct 96 cO-1.1 Reg 1 s80.

Musculoskeletal injuries

81(1) In this section, **"musculoskeletal injury"** means an injury or disorder of the muscles, tendons, ligaments, nerves, joints, bones or supporting vasculature that may be caused or aggravated by any of the following:

(a) repetitive motions;

(b) forceful exertions;

(c) vibration;

(d) mechanical compression;

(e) sustained or awkward postures;

(f) limitations on motion or action;

(g) other ergonomic stressors.

(2) An employer or contractor, in consultation with the committee, shall regularly review the activities at the place of employment that may cause or aggravate musculoskeletal injuries.

(3) Where a risk of musculoskeletal injury is identified, an employer or contractor shall:

(a) inform each worker who may be at risk of developing musculoskeletal injury of that risk and of the signs and common symptoms of any musculoskeletal injury associated with that worker's work; and

(b) provide effective protection for each worker who may be at risk, which may include any of the following:

(i) providing equipment that is designed, constructed, positioned and maintained to reduce the harmful effects of an activity;

(ii) implementing appropriate work practices and procedures to reduce the harmful effects of an activity;

(iii) implementing work schedules that incorporate rest and recovery periods, changes in workload or other arrangements for alternating work to reduce the harmful effects of an activity.

(4) An employer or contractor shall ensure that workers who may be at risk of developing musculoskeletal injury are instructed in the safe performance of the worker's work, including the use of appropriate work practices and procedures, equipment and personal protective equipment.

(5) Where a worker has symptoms of musculoskeletal injury, an employer or contractor shall:

(a) advise the worker to consult a physician or a health care professional who is registered or licensed pursuant to an Act to practise any of the healing arts; and

(b) promptly review the activities of that worker and of other workers doing similar tasks to identify any cause of the symptoms and to take corrective measures to avoid further injuries.

4 Oct 96 cO-1.1 Reg 1 s81.

Shift work and constant effort and exertion

82 Where a worker works shifts or a worker's work demands constant and uninterrupted mental effort or constant and uninterrupted physical exertion, an employer or contractor, in consultation with the committee, shall:

(a) assess the risks to the worker's health and safety of the worker's work; and

(b) inform the worker of the nature and extent of the risks mentioned in clause (a) and the ways to eliminate or reduce those risks.

4 Oct 96 cO-1.1 Reg 1 s82.

Visually demanding tasks

83(1) An employer or contractor, in consultation with the committee, shall identify any tasks that involve a potentially harmful visual demand on a worker.

(2) An employer or contractor:

(a) shall take all practicable steps to reduce the harmful visual demand of those tasks;

(b) shall inform the worker of the risk of performing those tasks;

(c) shall advise the worker to consult a physician or an optometrist if any persistent vision impairment, disability or visual strain results from performing the tasks;

(d) where a worker cannot attend a consultation mentioned in clause (c) during the worker's time off work, shall permit the worker to attend the consultation during normal working hours without loss of pay or other benefits; and

(e) where a worker cannot recover the costs of a consultation mentioned in clause (c), shall reimburse the worker for the costs of the consultation that, in the opinion of the director, are reasonable.

4 Oct 96 cO-1.1 Reg 1 s83.

Radioactive substances

84(1) Subject to *The Radiation Health and Safety Act, 1985* and *The Radiation Health and Safety Regulations,* where a radioactive substance or a device containing a radioactive substance is handled, used, stored or disposed of, an employer:

(a) in consultation with the committee, the representative or, where there is no committee or representative, the workers, shall develop safe work practices and procedures to handle, use, store and dispose of radioactive substances or devices containing radioactive substances; and

(b) on request, shall make available to the committee, the representative or the workers any licence issued to the employer pursuant to the *Atomic Energy Control Act* (Canada).

(2) An employer shall ensure that the safe work practices and procedures developed pursuant to clause (1)(a) are implemented.

4 Oct 96 cO-1.1 Reg 1 s84.

Exposure control plan

85(1) In this section:

(a) **"engineering controls"** means physical controls or barriers that isolate or remove an infectious disease hazard and includes:

(i) medical devices approved by Health Canada that have engineered sharps injury protections;

(ii) sharps disposal containers;

(iii) needleless systems and needles with engineered sharps injury protections as defined in section 474.1; and

(iv) other devices that isolate or remove sharps hazards;

(b) **"expose"** means harmful contact with an infectious material or organism from inhalation, ingestion, skin or mucous membrane contact or percutaneous injury;

(c) **"exposure control plan"** means an exposure control plan required pursuant to subsection (2);

(d) **"infectious material or organism"** means an infectious material or organism that has been identified in an approved manner as an infectious disease hazard that poses a significantly increased exposure risk to a worker or self-employed person.

(2) If workers are required to handle, use or produce an infectious material or organism or are likely to be exposed at a place of employment, an employer, in consultation with the committee, shall develop and implement an exposure control plan to eliminate or minimize worker exposure.

(3) An exposure control plan must:

(a) be in writing;

(b) identify any workers at the place of employment who may be exposed;

(c) identify categories of tasks and procedures that may put workers at risk of exposure;

(d) describe the ways in which an infectious material or organism can enter the body of a worker and the risks associated with that entry;

(e) describe the signs and symptoms of any disease that may arise for a worker exposed at the place of employment;

(f) describe infection control measures to be used, such as the following:

(i) vaccination;

(ii) engineering controls;

(iii) personal protective equipment;

(iv) safe work practices and procedures; and

(v) standard practices that incorporate universal precautions;

(g) identify the limitations of the infection control measures described pursuant to clause (f);

(h) set out procedures to be followed in each of the following circumstances:

(i) if there has been a spill or leak of an infectious material or organism;

(ii) if a worker has been exposed;

(iii) if a worker believes that he or she has been exposed;

(i) set out the methods of cleaning, disinfecting or disposing of clothing, personal protective equipment or other equipment contaminated with an infectious material or organism that must be followed and indicate who is responsible for carrying out those activities;

(j) describe the training to be provided to workers who may be exposed and the means by which this training will be provided;

(k) require the investigation and documentation, in a manner that protects the confidentiality of the exposed worker, of any work-related exposure incident, including the route of exposure and the circumstances in which the exposure occurred; and

(l) require the investigation of any occurrence of an occupationally transmitted infection or infectious disease to identify the route of exposure and implement measures to prevent further infection.

(4) If subsection 85(2) applies to an employer on the day on which this section comes into force or at any time before January 1, 2006, that employer must, no later than January 1, 2006, describe in his or her exposure control plan the steps that will be taken by July 1, 2006 to ensure compliance with this section and, if applicable, subsection 474.1(3).

(5) No employer shall allow a worker to undertake any tasks or procedures mentioned in clause (3)(c) unless the worker has been trained with respect to the exposure control plan and the use of control measures appropriate for the task or procedure undertaken.

(6) An employer, in consultation with the committee, shall review the adequacy of the exposure control plan, and amend the plan if necessary, at least every two years or as necessary to reflect advances in infection control measures, including engineering controls.

(7) An employer shall make a copy of the exposure control plan and any amendments to that plan readily available to every worker who may be exposed.

(8) An employer shall:

(a) inform workers who are required to handle, use or produce an infectious material or organism or who may be exposed at a place of employment:

(i) of any vaccine recommended for workers with respect to that risk in the *Canadian Immunization Guide*, published by Health Canada, and recommended by:

(A) a medical health officer appointed pursuant to *The Public Health Act* or a designated public health officer within the meaning of *The Public Health Act, 1994* whose powers and responsibilities include those set out in Part IV of *The Public Health Act, 1994*; or

(B) a physician with expertise in immunization or the control of communicable diseases; and

(ii) of the risks associated with taking a vaccine mentioned in subclause (i);

(b) with the worker's consent, arrange for the worker to receive any vaccination recommended pursuant to subclause (a)(i) during the worker's normal working hours and reimburse the worker for any costs associated with receiving the vaccination; and

(c) if a worker cannot receive a vaccination mentioned in subclause (a)(i) during the worker's normal working hours, credit the worker's attendance for the vaccination as time at work and ensure that the worker does not lose any pay or other benefits.

(9) If a worker has been exposed to blood or potentially infectious bodily fluids at a place of employment, an employer shall, with the consent of the worker, during the worker's normal working hours, arrange for immediate medical evaluation and intervention by a qualified person in an approved manner and for confidential post-exposure counselling.

(10) If a worker cannot receive medical evaluation, medical intervention or post-exposure counselling during the worker's normal working hours, an employer shall credit the worker's attendance for evaluation, intervention or counselling as time at work and shall ensure that the worker does not lose any pay or other benefits.

(11) Nothing in these regulations prohibits an employer or contractor from purchasing supplies in bulk together with another employer or contractor but each employer or contractor is responsible for ensuring his or her compliance with these regulations.

4 Nov 2005 SR 112/2005 s4.

PART VII
Personal Protective Equipment

Use of equipment required

86(1) Where it is not reasonably practicable to protect the health and safety of workers by design of the plant and work processes, suitable work practices or administrative controls, an employer or contractor shall ensure that every worker wears or uses suitable and adequate personal protective equipment.

(2) Where personal protective equipment will not effectively protect a worker, an employer or contractor shall, where reasonably practicable, provide alternative work arrangements for that worker.

4 Oct 96 cO-1.1 Reg 1 s86.

General responsibilities

87(1) Where an employer or contractor is required by these regulations or any other regulations made pursuant to the Act to provide personal protective equipment, the employer or contractor shall:

(a) supply approved personal protective equipment to the workers at no cost to the workers;

(b) ensure that the personal protective equipment is used by the workers;

(c) ensure that the personal protective equipment is at the worksite before work begins;

(d) ensure that the personal protective equipment is stored in a clean, secure location that is readily accessible to workers;

(e) ensure that each worker is aware of the location of the personal protective equipment and trained in its use;

(f) inform the workers of the reasons why the personal protective equipment is required to be used and of the limitations of its protection; and

(g) ensure that personal protective equipment provided to a worker:

(i) is suitable and adequate and a proper fit for that worker;

(ii) is maintained and kept in a sanitary condition; and

(iii) is removed from use or service when damaged.

(2) Where an employer or contractor requires a worker to clean and maintain personal protective equipment, the employer shall ensure that the worker has adequate time during normal working hours without loss of pay or other benefits for this purpose.

(3) Where reasonably practicable, an employer or contractor shall make appropriate adjustments to the work procedures and the rate of work to eliminate or reduce the danger or discomfort to the worker that may arise from the worker's use of personal protective equipment.

(4) A worker who is provided with personal protective equipment by an employer or contractor shall:

(a) use the personal protective equipment; and

(b) take reasonable steps to prevent damage to the personal protective equipment.

(5) Where personal protective equipment provided to a worker becomes defective or otherwise fails to provide the protection it was intended for, the worker shall:

(a) return the personal protective equipment to the employer or contractor; and

(b) inform the employer or contractor of the defect or other reason why the personal protective equipment does not provide the protection that it was intended to provide.

(6) An employer or contractor shall immediately repair or replace any personal protective equipment returned to the employer or contractor pursuant to clause (5)(a).

4 Oct 96 cO-1.1 Reg 1 s87.

Respiratory protective devices

88(1) Where a worker is likely to be exposed to dust, fumes, gas, mist, aerosol or vapour or any airborne contaminant that may be present in any amounts that are harmful or offensive to the worker, an employer or contractor shall:

(a) provide an approved respiratory protective device for use by the worker that:

(i) provides suitable and adequate protection to the worker from one or more airborne contaminants;

(ii) is the proper size for the worker's face;

(iii) where a tight fit is essential to the proper functioning of the respiratory protective device, makes an effective seal to the facial skin of the worker; and

(iv) where a tight fit is essential to ensure the worker is not exposed to one or more airborne contaminants to an extent that may pose a risk of significant harm to the worker, has been fit-tested by a competent person in an approved manner;

(b) ensure that the respiratory protective device is regularly cleaned and maintained in an approved manner; and

(c) ensure that the respiratory protective device is kept, when not in use, in a convenient and sanitary location in which the respiratory protective device is not exposed to extremes of temperature or to any contaminant that may inactivate the respiratory protective device.

(2) If a respiratory protective device as required by subsection (1) is provided to a worker, the employer or contractor shall ensure that the worker:

(a) has been trained by a competent person in the proper testing, maintenance, use and cleaning of the respiratory protective device and in its limitations;

(b) can demonstrate that he or she:

(i) understands the training provided pursuant to clause (a);

(ii) can test, maintain and clean the respiratory protective device; and

(iii) can use the respiratory protective device safely;

(c) tests the respiratory protective device before each use;

(d) is assessed according to an approved standard as being capable of wearing a respiratory protective device; and

(e) is adequately informed respecting the reasons for the assessment required pursuant to clause (d).

(3) An employer or contractor shall ensure that the training required by clause (2)(a) includes practical experience by the worker in an uncontaminated environment.

(4) Where respiratory protective devices are used only for emergency purposes, an employer or contractor shall ensure that a worker who may be required to use a respiratory protective device is given semi-annual refresher training in its safe use.

(5) An employer shall ensure that the following records are kept as long as the worker is employed by the employer and made readily available for inspection and examination by the committee or the representative, as the case may be:

(a) records respecting fit-testing for each worker that is completed pursuant to subclause (1)(a)(iv);

(b) records respecting the results of assessments for each worker that are completed pursuant to clause (2)(d);

(c) records respecting training completed by each worker pursuant to subsections (2) and (3).

(6) An employer shall ensure that any records mentioned in clause (5)(b) respecting a worker that are made available for inspection and examination pursuant to subsection (5) do not disclose any personal health information as defined in *The Health Information Protection Act* respecting the worker, unless the worker agrees to that disclosure.

(7) An employer shall ensure that records respecting the maintenance of atmosphere-supplying respirators are kept and made readily available for inspection and examination by the committee or the representative as long as that worker is employed by the employer.

(8) A worker may, at any time, inspect and examine any records kept pursuant to subsection (5) or (7) that relate to the worker.

4 Oct 96 cO-1.1 Reg 1 s88; 31 Jan 97 SR 6/97 s6; 10 Aug 2007 SR 67/2007 s4.

Inspection of respiratory protective devices

89 An employer or contractor shall ensure that:

(a) any respiratory protective device for emergency use is thoroughly inspected by a competent person at least once a month and after each use;

(b) the date of every inspection made pursuant to clause (a) and the name of the person who made the inspection are recorded and conspicuously displayed at the location where the respiratory protective device is stored; and

(c) any defects identified during the inspection carried out pursuant to clause (a) are corrected immediately by a competent person.

4 Oct 96 cO-1.1 Reg 1 s89.

Working in dangerous atmospheres

90(1) Where a worker is required to enter an atmosphere that is immediately dangerous to the life or health of the worker, an employer or contractor shall ensure that the worker is provided with and uses an approved atmosphere-supplying respirator that is:

(a) an open-circuit SCBA that:

(i) operates in a pressure demand or other positive pressure mode;

(ii) has a minimum rated capacity of 30 minutes;

(iii) is sufficiently charged to enable the worker to perform the work safely; and

(iv) is equipped with a low-pressure warning device or an escape respirator;

(b) an airline respirator equipped with a full facepiece that:

(i) operates in a pressure demand or other positive pressure mode; and

(ii) has an auxiliary supply of air sufficient to allow the worker to escape in case of failure of the primary air supply equipment; or

(c) a closed-circuit SCBA.

(2) Where a worker is required to enter an atmosphere that is immediately dangerous to life or health, an employer or contractor shall ensure that:

(a) a second worker, suitably equipped and trained, is present and in communication with the worker at all times; and

(b) suitably equipped personnel who are trained in rescue procedures and are fully informed of the hazards are readily available to rescue the endangered worker immediately if the worker's atmosphere-supplying respirator fails or the worker becomes incapacitated for any other reason.

(3) An employer or contractor shall ensure that compressed air in an atmosphere-supplying respirator used by a worker in an atmosphere that is immediately dangerous to the worker's life or health meets the purity requirements set out in Table 2 of the Canadian Standards Association standard CAN3-Z180.1-M85 *Compressed Breathing Air and Systems*.

4 Oct 96 cO-1.1 Reg 1 s90.

Protective headwear

91(1) Where there is a risk of injury to the head of a worker, an employer or contractor shall provide approved industrial protective headwear and require a worker to use it.

(2) The following places are deemed to be places where a worker is exposed to a risk described in subsection (1):

(a) a mine, mill or smelter;

(b) a forestry or sawmilling operation;

(c) a construction site;

(d) a drilling operation;

(e) an oil or gas servicing operation.

(3) Where a worker may contact an exposed energized electrical conductor, an employer or contractor shall provide, and require the worker to use, approved industrial protective headwear that is of adequate dielectric strength to protect the worker.

(4) Where a worker is required by these regulations to use industrial protective headwear, an employer or contractor shall provide to the worker:

(a) a suitable liner where it is necessary to protect the worker from cold conditions; and

(b) a retention system to secure the industrial protective headwear firmly to the worker's head where the worker is likely to work in conditions that may cause the headwear to dislodge.

(5) An employer or contractor shall ensure that any industrial protective headwear provided to a worker pursuant to these regulations is fluorescent orange or other high visibility colour where:

(a) the worker is working in a forestry or sawmilling operation; or

(b) visibility of the worker is necessary to protect the health and safety of the worker.

(6) An employer or contractor shall not require or permit a worker to use any industrial protective headwear that:

(a) is damaged or structurally modified;

(b) has been subjected to severe impact; or

(c) has been painted or has been cleaned with solvents.

4 Oct 96 cO-1.1 Reg 1 s91.

Workers using all terrain vehicles, snowmobiles, etc.

92(1) In this section:

(a) **"all terrain vehicle"** means an all terrain vehicle as defined in *The All Terrain Vehicles Act*;

(b) **"snowmobile"** means a snowmobile as defined in *The Snowmobile Act*;

(c) **"towed conveyance"** means any sled, cutter, trailer, toboggan or carrier that may be towed by a snowmobile or an all terrain vehicle.

(2) An employer or contractor shall ensure that every worker who is required or permitted to travel in or on an all terrain vehicle, a snowmobile or a towed conveyance is provided with and required to use:

(a) approved protective headgear; and

(b) approved eye or face protectors if the all terrain vehicle, snowmobile or towed conveyance does not have an enclosed cab.

(3) Subsection (2) does not apply where:

(a) the all terrain vehicle is equipped with roll-over protective structures and enclosed by a cab that is an integral part of the vehicle; and

(b) the worker is provided with a seat-belt secured to the vehicle and is required to use it.

(4) Where a worker is required by these regulations to use protective headgear while working in cold conditions, the headgear must be equipped with a suitable liner and a cold weather face guard.

4 Oct 96 cO-1.1 Reg 1 s92.

Eye and face protectors

93(1) Where there is a risk of irritation or injury to the face or eyes of a worker from flying objects or particles, splashing liquids, molten metal or ultraviolet, visible or infrared radiation, an employer or contractor shall provide industrial eye or face protectors and require the worker to use them.

(2) Where an industrial eye or face protector is required by these regulations to be provided or used, the industrial eye or face protector must be approved.

(3) An employer or contractor shall take all reasonable steps to ensure that a worker does not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using a suitable industrial eye protector or is protected from the radiation by a suitable screen.

(4) A worker shall not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using a suitable industrial eye protector or is protected from the radiation by a suitable screen.

4 Oct 96 cO-1.1 Reg 1 s93.

Skin protection

94(1) Where there is a risk of injury to the skin of a worker from sparks, molten metal or radiation, an employer or contractor shall provide, and require the worker to use, approved protective clothing or covers or any other safeguard that provides equivalent protection for the worker.

(2) Where there is a risk of injury to the skin of a worker from fire or explosion, an employer or contractor shall provide the worker with, and require the worker to use, outer fire resistant clothing that:

(a) meets an approved industry standard; and

(b) is appropriate to the risk.

(3) Where there is a risk of injury to the skin of an electrical worker from arc flash, an employer or contractor shall provide the electrical worker with, and require the electrical worker to use, arc flash protection that meets an approved standard.

4 Oct 96 cO-1.1 Reg 1 s94; 10 Aug 2007 SR 67/2007 s5.

Lower body protection

95(1) Where a worker is at risk of a cut, puncture, irritation or abrasion to the worker's lower body, an employer or contractor shall ensure that the worker uses safety pants or chaps that are appropriate for the work being performed by the worker.

(2) A worker operating a chain saw is deemed to be exposed to the risk described in subsection (1).

4 Oct 96 cO-1.1 Reg 1 s95.

Footwear

96(1) Subject to subsection (4), an employer or contractor shall ensure that:

(a) a worker uses footwear that is appropriate to the risks associated with the worker's place of employment and occupation; and

(b) a worker who may be at risk from a heavy or falling object or who may tread on a sharp object uses approved protective footwear.

(2) The following places are deemed to be places where a worker is exposed to a risk described in clause (1)(b):

(a) a mine, mill or smelter;

(b) a forestry or sawmilling operation;

(c) a construction site;

(d) a drilling operation;

(e) an oil or gas servicing operation.

(3) An employer or contractor shall:

(a) provide outer foot guards if there is substantial risk of a crushing injury to the foot of a worker; and

(b) provide approved protective footwear if the feet of a worker may be endangered by hot, corrosive or toxic substances.

(4) After consultation with the committee, the representative or, where there is no committee or representative, the workers, an employer or contractor may:

(a) permit the following to use approved soft-soled footwear without puncture-proof plates in the soles:

(i) workers who are competent steel erectors engaged in the connection of structural components of a skeletal structure;

(ii) competent workers who are engaged in the installation of a roof; and

(b) impose any conditions that the employer or contractor considers appropriate on the use of footwear described in clause (a).

4 Oct 96 cO-1.1 Reg 1 s96.

Hand and arm protection

97(1) An employer or contractor shall provide, and require a worker to use, suitable and properly fitted hand or arm protection to protect the worker from injury to the hand or arm, including:

(a) injury arising from contact with chemical or biological substances;

(b) injury arising from exposure to work processes that result in extreme temperatures;

(c) injury arising from prolonged exposure to water; and

(d) puncture, abrasion or irritation of the skin.

(2) Where a worker may contact an exposed energized high voltage electrical conductor, an employer or contractor shall provide, and require the worker to use, approved rubber insulating gloves and mitts and approved rubber insulating sleeves.

4 Oct 96 cO-1.1 Reg 1 s97.

Exposure to hazardous substances

98 Where workers are routinely exposed to a hazardous material or substance, an employer or contractor shall provide, and require workers to use, protective clothing, gloves and eyewear or face shields that are adequate to prevent exposure of a worker's skin and mucous membranes to the hazardous material or substance.

4 Oct 96 cO-1.1 Reg 1 s98.

Exposure to noise

99(1) Where a worker is required or permitted by these regulations to use hearing protectors, an employer or contractor shall:

(a) provide approved hearing protectors; and

(b) require workers to use those hearing protectors where the worker is required to use hearing protectors by these regulations.

(2) Where practicable, an employer or contractor shall ensure that a hearing protector provided pursuant to subsection (1) reduces the noise level received into the worker's ears to not more than 85 dBA.

(3) Where it is not practicable to comply with subsection (2), an employer or contractor shall ensure that a hearing protector provided pursuant to subsection (1) reduces the noise level received into the worker's ears to the lowest level that is practicable.

(4) Where an employer or contractor provides a worker with a hearing protector that depends for effectiveness on a close approximation of size or shape to the auditory canal of its user, the employer or contractor shall ensure that the hearing protector is fitted to the worker by a competent person.

4 Oct 96 cO-1.1 Reg 1 s99.

100 Repealed. 10 Aug 2007 SR 67/2007 s6.

Lifelines

101(1) Unless otherwise specifically provided, an employer, contractor or owner shall ensure that a lifeline:

(a) is suitable for the conditions in which the lifeline is to be used, having regard to factors including strength, abrasion resistance, extensibility and chemical stability;

(b) is made of wire rope or synthetic material;

(c) is free of imperfections, knots and splices, other than end terminations;

(d) is protected by padding where the lifeline passes over sharp edges;

(e) is protected from heat, flame or abrasive or corrosive materials during use;

(f) is fastened to a secure anchor point that:

(i) has a breaking strength of at least 22.2 kilonewtons; and

(ii) is not used to suspend any platform or other load; and

(g) is maintained according to the manufacturer's recommendation.

(1.1) Unless otherwise specifically provided, an employer, contractor or owner shall ensure that there is a lifeline that meets the requirements of this section for every worker.

(2) Unless otherwise specifically provided, an employer or contractor shall ensure that a vertical lifeline required by these regulations has a minimum diameter of:

(a) 12 millimetres if the lifeline is made of nylon;

(b) 15 millimetres if the lifeline is made of polypropylene; or

(c) eight millimetres if the lifeline is made of wire rope.

(3) An employer or contractor shall ensure that where a vertical lifeline is used:

(a) the lower end extends to the ground or to a safe landing; and

(b) the lifeline is protected at the lower end to ensure that the line cannot be fouled by any equipment.

(4) Unless otherwise specifically provided, an employer or contractor shall ensure that a horizontal lifeline is:

(a) either:

(i) designed and certified as safe by a professional engineer; or

(ii) manufactured to an approved standard; and

(b) installed and used in accordance with the design mentioned in clause (a) or the manufacturer's recommendations.

4 Oct 96 cO-1.1 Reg 1 s102; 10 Aug 2007 SR 67/2007 s7; 21 Sep 2007 SR 91/2007 s3.

Personal fall arrest systems

102(1) An employer or contractor shall ensure that a personal fall arrest system and connecting linkage required by these regulations are approved and maintained.

(2) An employer or contractor shall ensure that a personal fall arrest system required by these regulations:

(a) prevents a worker from falling more than 1.2 metres without a shock absorber;

(b) where a shock absorber is used, prevents a worker from falling more than two metres or the limit specified in the manufacturer's specifications, whichever is less;

(c) applies a peak fall-arrest force not greater than eight kilonewtons to a worker; and

(d) is fastened to a lifeline or to a secure anchor point that has a breaking strength of at least 22.2 kilonewtons.

10 Aug 2007 SR 67/2007 s8.

Full-body harness

103 Where a full-body harness is used, an employer or contractor shall ensure that:

(a) the full-body harness and connecting linkage are approved and maintained;

(b) the full-body harness is properly fitted to the worker;

(c) the worker is trained in the safe use of the full-body harness;

(d) all metal parts of the full-body harness and connecting linkage are of drop-forged steel 22.2 kilonewtons proof tested;

(e) a protective thimble is used to protect ropes or straps from chafing whenever a rope or strap is connected to an eye or a D-ring used in the full-body harness or connecting linkage; and

(f) the connecting linkage is attached to a personal fall arrest system, lifeline or secure anchor point to prevent the worker from falling more than 1.2 metres.

10 Aug 2007 SR 67/2007 s8.

Snap hooks on personal fall arrest system

104 Where a snap hook is used as an integral component of a personal fall arrest system, connecting linkage, full-body harness or lifeline, an employer or contractor shall ensure that the snap hook is self-locking and is approved and maintained.

10 Aug 2007 SR 67/2007 s8.

Lanyards

105 An employer or contractor shall ensure that a lanyard:

(a) is as short as work conditions permit;

(b) is constructed of:

(i) nylon, polyester or polypropylene rope or webbing; or

(ii) wire rope that is equipped with an approved shock absorbing device;

(c) is equipped with suitable snap hooks; and

(d) is approved and maintained.

4 Oct 96 cO-1.1 Reg 1 s105.

Workers' responsibilities re lifelines, etc.

106(1) Before using a lifeline or lanyard, a worker shall ensure that the lifeline or lanyard:

(a) is free of imperfections, knots and splices, other than end terminations;

(b) is protected by padding where the lifeline or lanyard passes over sharp edges; and

(c) is protected from heat, flame or abrasive or corrosive materials during use.

(2) Before using a vertical lifeline, a worker shall ensure that:

(a) the lower end extends to the ground or to a safe landing; and

(b) the lifeline is protected at the lower end to ensure that the line cannot be fouled by any equipment.

(3) Before using a full-body harness, a worker shall ensure that the full-body harness:

(a) is properly adjusted to fit the worker securely; and

(b) subject to subsection 274(5), is attached by means of a connecting linkage to a fixed anchor or a lifeline.

(4) A worker who uses a full-body harness and connecting linkage shall ensure that the connecting linkage is attached to a personal fall arrest system, lifeline or a fixed anchor.

4 Oct 96 cO-1.1 Reg 1 s106; 10 Aug 2007 SR 67/2007 s9.

Inspection of full body harness, etc.

107(1) Where the use of a connecting linkage, personal fall arrest system, full-body harness or lifeline is required by these regulations, an employer or contractor shall ensure that a competent person:

(a) inspects the connecting linkage, personal fall arrest system, full-body harness or lifeline:

(i) as recommended by the manufacturer; and

(ii) after the connecting linkage, personal fall arrest system, full-body harness or lifeline has sustained a fall-arresting incident; and

(b) determines whether the connecting linkage, personal fall arrest system, full-body harness or lifeline is safe for continued use.

(2) An employer or contractor shall ensure that a worker inspects the connecting linkage, personal fall arrest system, full-body harness or lifeline before each use and that where a defect or unsafe condition that may create a hazard to a worker is identified in a connecting linkage, personal fall arrest system, full-body harness or lifeline:

(a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(b) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected.

10 Aug 2007 SR 67/2007 s10.

Protection against drowning

108(1) In this section:

(a) **"buoyant apparatus"** means a device that is capable of supporting the weight in water of a worker and that is constructed to:

(i) remain stable when floating on either side;

(ii) have no projections that would prevent the buoyant apparatus from sliding easily over the side of a boat or ship; and

(iii) require no adjustment before use;

(b) **"life jacket"** means an approved device that is capable of keeping a worker's head above water in a face-up position without effort by the worker;

(c) **"personal flotation device"** means an approved device that is capable of keeping a worker's head above water without effort by the worker, and includes a device that is designed to protect a worker against hypothermia.

(2) Where a worker is required to work at a place from which the worker could fall and drown, and the worker is not protected by a guardrail, an employer or contractor shall:

(a) provide the worker with a life jacket and ensure that the worker uses it, and ensure that the rescue equipment and personnel described in subsection (3) are readily available;

(b) provide the worker with a full-body harness and lifeline and ensure that the worker uses them; or

(c) ensure that a net is installed that is capable of safely catching the worker if the worker falls.

(3) The rescue equipment and personnel required by clause (2)(a) must consist of:

(a) a suitable boat equipped with a boat hook;

(b) a buoyant apparatus attached to a nylon rope that is not less than nine millimetres in diameter and not less than 15 metres long; and

(c) a sufficient number of properly equipped and trained workers to implement rescue procedures.

(4) An employer or contractor shall ensure that a life jacket or personal flotation device is provided for each worker who is transported by boat or works from a boat, and that each worker uses the life jacket or personal flotation device at all times when the worker is in the boat.

4 Oct 96 cO-1.1 Reg 1 s108.

PART VIII
Noise Control and Hearing Conservation

General duty

109(1) An employer, contractor or owner shall ensure that all reasonably practicable means are used to reduce noise levels in all areas where workers may be required or permitted to work.

(2) The means to reduce noise levels pursuant to subsection (1) may include any of the following:

(a) eliminating or modifying the noise source;

(b) substituting quieter equipment or processes;

(c) enclosing the noise source;

(d) installing acoustical barriers or sound-absorbing materials.

4 Oct 96 cO-1.1 Reg 1 s109.

Noise reduction through design, construction of buildings

110 On and after July 1, 1997, an employer, contractor or owner shall ensure that:

(a) all new places of employment are designed and constructed so as to achieve the lowest reasonably practicable noise level;

(b) any alteration, renovation or repair to an existing place of employment is made so as to achieve the lowest reasonably practicable noise level; and

(c) all new equipment to be used at a place of employment is designed and constructed so as to achieve the lowest reasonably practicable noise level.

4 Oct 96 cO-1.1 Reg 1 s110.

Measurement of noise levels

111(1) In every area where workers are required or permitted to work and the noise level may frequently exceed 80 dBA, an employer or contractor shall ensure that:

(a) the noise level is measured in accordance with an approved method;

(b) in consultation with the committee, the representative or, where there is no committee or representative, the workers, a competent person evaluates the sources of the noise and recommends corrective action; and

(c) the measurements, evaluation and recommendations are documented.

(2) An employer or contractor shall re-measure the noise level in accordance with subsection (1) where altering, renovating or repairing the place of employment, introducing new equipment to the place of employment or modifying any process at the place of employment may result in a significant change in noise levels or occupational noise exposure.

(3) An employer or contractor shall keep a record of the results of any noise level measurements conducted at the place of employment as long as the employer or contractor operates in Saskatchewan.

(4) On request, an employer or contractor shall make available to an affected worker a copy of the results of any measurements conducted.

(5) An employer or contractor shall ensure that any area in which the measurements taken pursuant to subsection (1) show noise levels in excess of 80 dBA is clearly marked by a sign indicating the range of noise levels.

4 Oct 96 cO-1.1 Reg 1 s111.

Hearing protection required

112 Where a worker's occupational noise exposure is or is believed to be between 80 dBA L_{ex} and 85 dBA L_{ex}, an employer or contractor shall:

(a) inform the worker of the hazards of occupational noise exposure;

(b) on the request of the worker, make available to the worker hearing protectors that meet the requirements of section 99; and

(c) train the worker in the selection, use and maintenance of the hearing protectors.

4 Oct 96 cO-1.1 Reg 1 s112.

Daily exposure greater than 85 dBA L_{ex}

113(1) Where a worker's occupational noise exposure equals or exceeds 85 dBA L_{ex}, an employer or contractor shall:

(a) inform the worker of the hazards of occupational noise exposure;

(b) take all reasonably practicable steps to reduce noise levels in all areas where the worker may be required or permitted to work;

(c) minimize the worker's occupational noise exposure to the extent that is reasonably practicable; and

(d) document the steps taken pursuant to clauses (b) and (c).

(2) Where, in the opinion of the employer or contractor, it is not reasonably practicable to reduce noise levels or minimize the worker's occupational noise exposure to less than 85 dBA L_{ex}, an employer or contractor shall provide written reasons for that opinion to the committee and, where there is no committee, shall inform the workers of the reasons for that opinion.

(3) Where it is not reasonably practicable to reduce a worker's occupational noise exposure below 85 dBA L_{ex} or the noise level below 90 dBA in any area where a worker may be required or permitted to work, an employer or contractor shall:

(a) provide a hearing protector to the worker that meets the requirements of section 99;

(b) train the worker in the selection, use and maintenance of the hearing protector; and

(c) arrange for the worker to have, at least once every 24 months during the worker's normal working hours, an audiometric test and appropriate counselling based on the test results under the direction of a physician, an audiologist or a registered nurse who has a certificate in audiometric testing.

(4) Where a worker cannot attend an audiometric test mentioned in clause (3)(c) during the worker's normal working hours, an employer or contractor shall credit the worker's attendance at the test as time at work and ensure that the worker does not lose any pay or other benefits.

(5) Where a worker cannot recover the costs of a audiometric test mentioned in clause (3)(c), an employer or contractor shall reimburse the worker for the costs of the test that, in the opinion of the director, are reasonable.

4 Oct 96 cO-1.1 Reg 1 s113.

Hearing conservation plan

114(1) Where 10 or more workers' occupational noise exposure exceeds or is believed to exceed 85 dBA L_{ex}, an employer or contractor shall, in consultation with the committee:

(a) develop a hearing conservation plan; and

(b) review and, where necessary, revise the hearing conservation plan every three years.

(2) An employer or contractor shall implement a hearing conservation plan developed pursuant to subsection (1) and appoint a supervisor to oversee the plan.

(3) A hearing conservation plan must be in writing and must include:

(a) the methods and procedures to be used in assessing the occupational noise exposure of workers;

(b) the methods of noise control to be used, including engineering controls and administrative arrangements;

(c) the selection, use and maintenance of hearing protectors;

(d) a plan to train workers in the hazards of excessive exposure to noise and the correct use of control measures and hearing protectors;

(e) the maintenance of exposure records;

(f) the requirements for audiometric tests; and

(g) a schedule for reviewing the hearing conservation plan and procedures for conducting the review.

(4) An employer or contractor shall make a copy of a hearing conservation plan readily available for reference by workers.

4 Oct 96 cO-1.1 Reg 1 s114.

PART IX
Safeguards, Storage, Warning Signs and Signals

Interpretation

115 In this Part, **"toeboard"** means a low vertical guard that is located at the outer edge of a platform, scaffold, floor, stair or walkway and that is designed to prevent materials or equipment from falling over the edge.

4 Oct 96 cO-1.1 Reg 1 s115.

Protection against falling

116(1) In this section and sections 116.1 to 116.3:

(a) **"anchor point"** or **"anchor plate"** means a secure connecting point capable of safely withstanding the impact forces applied by a fall protection system;

(b) **"control zone"** means the area within two metres of an unguarded edge of a level, elevated work surface of three metres or more in height;

(c) **"fall protection system"** means:

(i) a control zone as required pursuant to section 116.2;

(ii) a personal fall arrest system;

(iii) a safety net; or

(iv) a travel restraint system;

(d) **"permanent"** means intended and designed to last indefinitely;

(e) **"similar barrier"** means any barrier that the employer or contractor can demonstrate provides a level of protection that is at least equivalent to a guardrail;

(f) **"temporary"** means:

(i) designed to be removed by the last workers using it before commissioning or turnover to the contractor or owner; and

(ii) intended and designed to last not more than one year;

(g) **"travel restraint system"** means a system that prevents a worker from travelling to the edge of a structure or to a work position from which the worker could fall.

(2) An employer or contractor shall ensure that workers use a fall protection system at a temporary or permanent work area where:

(a) a worker may fall three metres or more; or

(b) there is a possibility of injury if a worker falls less than three metres.

(3) An employer or contractor shall ensure that a worker at a permanent work area is protected from falling by a guardrail or similar barrier if the worker may fall a vertical distance of more than 1.2 metres and less than three metres.

(4) Notwithstanding subsection (3), where the use of a guardrail or similar barrier is not reasonably practicable, an employer or contractor shall ensure that a worker uses a travel restraint system.

(5) Notwithstanding subsection (4), where the use of a travel restraint system is not reasonably practicable, an employer or contractor shall ensure that a safety net or control zone or other equally effective means that protects the worker from falling is used.

(6) Subsection (2) does not apply to competent workers who are engaged in:

(a) connecting the structural members of a skeletal steel structure or a pre-cast structure;

(b) connecting the support structure of a scaffold;

(c) stabilizing or securing the load on a truck or trailer;

(d) installing or attaching a fall protection system to the anchor point;

(e) removing or disassembling the associated parts of a fall protection system when it is no longer required; or

(f) activities within the normal course of business on a permanent loading dock that is not greater than 1.2 metres in height.

10 Aug 2007 SR 67/2007 s11.

Fall protection plan

116.1(1) An employer or contractor shall develop a written fall protection plan where:

(a) a worker may fall three metres or more; and

(b) workers are not protected by a guardrail or similar barrier.

(2) The fall protection plan required by subsection (1) must describe:

(a) the fall hazards at the worksite;

(b) the fall protection system to be used at the worksite;

(c) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system; and

(d) the rescue procedures to be used if a worker falls, is suspended by a personal fall arrest system or safety net and needs to be rescued.

(3) The employer or contractor shall ensure that a copy of the fall protection plan is readily available before work begins at a worksite where a risk of falling exists.

(4) The employer or contractor shall ensure that a worker is trained in the fall protection plan and the safe use of the fall protection system before allowing the worker to work in an area where a fall protection system must be used.

10 Aug 2007 SR 67/2007 s11.

Control zone

116.2(1) An employer or contractor shall ensure that a control zone:

(a) is only used if a worker can fall from a level surface in a work area; and

(b) is not less than two metres wide when measured from the unguarded edge.

(2) When crossing a control zone mentioned in subsection (1), a worker:

(a) subject to subsection (4) is not required to use a fall protection system, other than the control zone, to enter or leave the work area; and

(b) shall follow the most direct route to get to or from the unguarded edge.

(3) An employer or contractor shall ensure that a control zone is clearly marked with an effective raised warning line or other equally effective method if a worker is working more than two metres from an unguarded edge.

(4) An employer or contractor shall ensure that a worker who has to work within a control zone uses:

(a) a travel restraint system; or

(b) a means that is as equally effective as a travel restraint system and that prevents the worker from getting to the unguarded edge.

10 Aug 2007 SR 67/2007 s11.

Anchor Points and Anchor Plates

116.3(1) Where a worker uses a personal fall arrest system or a travel restraint system, an employer, contractor or owner shall ensure that an anchor point or anchor plate that meets the requirements of this section is used as part of that system.

(2) An employer, contractor or owner shall ensure that a temporary anchor point used in a travel restraint system:

(a) has an ultimate load capacity of at least 3.5 kilonewtons (800 pounds-force) per worker attached in any direction in which the load may be applied;

(b) is installed and used according to the manufacturer's specifications;

(c) is permanently marked as being for travel restraint only; and

(d) is removed by the last worker from use on the earlier of:

(i) the date the work project for which it is intended is completed; and

(ii) the time specified by the manufacturer.

(3) An employer, contractor or owner shall ensure that a permanent anchor point used in a travel restraint system associated with any new construction project on or after the date this section comes into force:

(a) has an ultimate load capacity of at least 8.75 kilonewtons (2 000 pounds-force) per worker attached in any direction in which the load may be applied;

(b) is installed and used according to the manufacturer's specifications; and

(c) is permanently marked as being for travel restraint only.

(4) In the case of a personal fall arrest system installed on or after one year after the date this section comes into force, an employer, contractor, owner or supplier shall ensure that anchor points to which the personal fall arrest system is attached have an ultimate load capacity of at least 22.2 kilonewtons (5000 pounds-force) per worker attached in any direction in which the load may be applied.

(5) An employer, contractor, owner or supplier shall ensure that the following types of equipment that are components of fall protection systems, and their installation, conform to the manufacturer's specifications or are certified by a professional engineer:

(a) permanent anchor points;

(b) anchors with multiple attachment points;

(c) permanent horizontal lifeline systems;

(d) support structures for safety nets.

10 Aug 2007 SR 67/2007 s11.

Elevated conveyors

117 Where an elevated conveyor crosses over a place where a worker may pass or work, an employer, contractor or owner shall ensure that suitable precautions are taken to prevent materials on the conveyor from falling on the worker.

4 Oct 96 cO-1.1 Reg 1 s117.

Wire mesh

118 Where wire mesh is required by these regulations, the wire mesh must:

(a) be made from wire that is at least 1.6 millimetres in diameter; and

(b) have a mesh size that is not greater than 40 millimetres by 40 millimetres.

4 Oct 96 cO-1.1 Reg 1 s118.

Protection against falling objects

119(1) Subject to section 120, where a worker is required to work in an area where the worker may be in danger from a falling object, an employer, contractor or owner shall ensure that the worker is adequately protected by the installation of an overhead barrier.

(2) An employer, contractor or owner shall ensure that every area where a worker could be struck by a falling object is clearly marked by barriers, notices, warning lights or other warning devices.

4 Oct 96 cO-1.1 Reg 1 s119.

Protection from objects falling from scaffolds, etc.

120(1) Where a suspended scaffold, suspended powered scaffold or load-carrying unit is suspended from or attached to a structure, an employer, contractor or owner shall ensure that wire mesh, or other material equally effective to prevent objects from falling from the working surface, is installed from the working surface to a height of at least 900 millimetres on all sides except the side adjacent to the structure.

(2) An employer, contractor or owner shall ensure that wire mesh is installed from the working surface of a platform to a height of two metres on all sides of:

(a) a tower hoist as defined in section 199;

(b) a building shaft hoist; and

(c) a hoist cage in an excavated shaft.

(3) Where it is necessary to hoist or lower materials that are of such a nature that the sides of a cantilever hoist platform or skip cannot be equipped as required by subsection (1), an employer, contractor or owner shall provide another equally effective means for the protection of workers against falling materials.

(4) Where it is necessary for workers to pass through a safeguard required by this section, an employer, contractor or owner shall install a gate that is equally effective to prevent objects from falling from the working surface and shall ensure that the gate is kept closed except when the gate is in use.

4 Oct 96 cO-1.1 Reg 1 s120.

Handrails

121(1) An employer, contractor or owner shall ensure that a stairway with five or more treads:

(a) is equipped with a handrail that:

(i) extends the entire length of the stairway;

(ii) is adequately secured to the structure;

(iii) is installed on the stairway at a height of between 800 and 920 millimetres above the front edge of the treads; and

(iv) is strong enough to support a worker who falls on the stairway; and

(b) on an open side, is equipped with both a handrail and an intermediate rail or equivalent safeguard.

(2) Where a handrail is required for a temporary stairway to which subsection (1) applies, an employer, contractor or owner shall ensure that the handrail is constructed of at least 38 by 89 millimetre construction grade lumber, or material of equivalent strength, and is supported by posts that are not more than three metres apart.

4 Oct 96 cO-1.1 Reg 1 s121.

Guardrails

122(1) Subject to subsections (2) to (4), where the installation of a guardrail is required by these regulations, an employer, contractor or owner shall ensure that the guardrail:

(a) has a horizontal top member that is not less than 920 millimetres and not more than 1070 millimetres above the working surface;

(b) has a horizontal intermediate member that is spaced midway between the horizontal top member and the working surface;

(c) is supported for the entire length of the guardrail by vertical members that are:

(i) not more than three metres apart, in the case of a guardrail installed before the coming into force of this section; and

(ii) where reasonably practicable, not more than 2.4 metres apart, in the case of a guardrail installed on or after the coming into force of this section;

(d) is capable of supporting a worker who may fall against the guardrail; and

(e) is constructed of 38 by 89 millimetre construction grade lumber or other materials that are of equal or greater strength.

(2) Clause (1)(a) does not apply to a guardrail that:

(a) was installed on or before October 30, 1988; and

(b) is not less than 900 millimetres nor more than one metre above the working surface.

(3) A horizontal intermediate member is not required in the case of a temporary guardrail that is manufactured with a substantial barrier completely filling the area enclosed by the horizontal top member, a horizontal bottom member and the vertical members.

(4) A wire rope guardrail may be used at the external perimeter of a building under construction.

(5) Where a wire rope guardrail is used pursuant to subsection (4), an employer, contractor or owner shall ensure that:

(a) the guardrail consists of a horizontal top member and a horizontal intermediate member made of wire rope that is not less than 9.5 millimetres in diameter, with vertical separators not less than 50 millimetres wide that are spaced at intervals not exceeding 2.4 metres;

(b) the horizontal top member and horizontal intermediate member are positioned above the working surface in accordance with clauses (1)(a) and (b);

(c) the guardrail is kept taut by means of a turnbuckle or other appropriate device; and

(d) the guardrail is arranged so that a worker coming into contact with the ropes cannot fall through the ropes.

(6) An employer, contractor or owner shall ensure that no worker hangs equipment on a guardrail.

4 Oct 96 cO-1.1 Reg 1 s122.

Toeboards

123(1) An employer, contractor or owner shall provide toeboards at the edge of:

(a) a permanent floor, platform, mezzanine, walkway, ramp, runway or other surface from which it is possible for materials to fall more than 1.2 metres;

(b) a temporary scaffold or work platform from which it is possible for materials to fall more than three metres; and

(c) a pit for a flywheel or pulley.

(2) Subsection (1) does not apply to a loading or unloading area if the employer, contractor or owner has taken other precautions to ensure that materials will not fall from the floor or other horizontal surface.

(3) Where a toeboard is required by these regulations, an employer, contractor or owner shall ensure that the toeboard extends from the floor or other horizontal surface to a height of not less than:

(a) 125 millimetres from the floor or surface; or

(b) 100 millimetres from the floor or surface, in the case of a toeboard that was installed before March 13, 1986.

4 Oct 96 cO-1.1 Reg 1 s123.

Openings in floors, roofs, etc.

124(1) An employer, contractor or owner shall ensure that any opening or hole in a floor, roof or other work surface into which a worker could step or fall is:

(a) covered with a securely installed covering that is capable of supporting a load of 360 kilograms per square metre and that is provided with a warning sign or permanent marking clearly indicating the nature of the hazard; or

(b) provided with a guardrail and a toeboard.

(2) Where the covering or guardrail and toeboard mentioned in subsection (1) or any part of the guardrail or toeboard is removed for any reason, an employer, contractor or owner shall immediately provide an effective alternative means of protection.

4 Oct 96 cO-1.1 Reg 1 s124.

Building shafts

125(1) An employer, contractor or owner shall ensure that a work platform that is an integral part of a slip form used in a building shaft is designed by a professional engineer to withstand the maximum foreseeable load and is constructed, erected and used in accordance with that design.

(2) An employer, contractor or owner shall ensure that a platform mentioned in subsection (1) that has been moved is examined by a competent person and that a written report of the examination is made by the person who carried it out and kept by the employer, contractor or owner.

(3) An employer, contractor or owner shall not require or permit a worker to work on a platform mentioned in subsection (1) that has been moved before the platform has been examined in accordance with subsection (2), unless the worker is using a personal fall arrest system, a full-body harness, a lanyard or a lifeline that meets the requirements of Part VII.

(4) Where there is no work platform installed at the level of a doorway or opening in a building shaft, an employer, contractor or owner shall ensure that the doorway or opening is covered by a solid barrier that extends from the bottom of the doorway or opening to a height of at least two metres and is capable of preventing a worker or loose material from falling down the shaft.

(5) An employer, contractor or owner shall ensure that at least one warning sign indicating the presence of an open building shaft is placed on a barrier erected pursuant to subsection (4).

4 Oct 96 cO-1.1 Reg 1 s125; 10 Aug 2007 SR 67/2007 s12.

Safety nets

126 Where a safety net is required by these regulations, an employer, contractor or owner shall ensure that the safety net:

(a) is manufactured from rope that is at least:

(i) eight millimetres in diameter; and

(ii) equivalent in breaking strength to number one grade pure manilla rope nine millimetres in diameter;

(b) has a mesh size that is not greater than 150 by 150 millimetres;

(c) has safety hooks or shackles of drop-forged steel that is 22.2 kilonewtons proof tested;

(d) has joints between the net panels that are equal in strength to the net;

(e) extends at least two metres beyond, and is not more than six metres below, the work area; and

(f) is installed and maintained so that, at the maximum deflection of the net when arresting the fall of a worker, no portion of the net contacts another surface.

4 Oct 96 cO-1.1 Reg 1 s126; 10 Aug 2007 SR 67/2007 s13.

Storage tanks

127(1) Where a worker is regularly required to walk or work on top of a storage tank, an employer, contractor or owner shall ensure that the storage tank is fitted with a permanent walkway with guardrails.

(2) Where a worker is required to walk or work on top of a storage tank, an employer, contractor or owner shall ensure that any opening in the tank into which a worker may fall is guarded by a grid or other suitable means to prevent the worker from falling into the tank.

4 Oct 96 cO-1.1 Reg 1 s127.

Mounting of tires

128(1) Where a worker is required to mount a tire and the maximum inflation pressure is not clearly indicated on the tire wall, an employer shall provide the worker with written instructions specifying the maximum inflation pressures for the various sizes and types of tires normally encountered and ensure that the worker follows those instructions.

(2) An employer shall ensure that a tire and the rim assembly on which the tire is to be mounted are designed and constructed to be compatible with each other.

(3) Where a worker is required to mount a tire on a split-rim assembly or a locking ring assembly, an employer shall:

(a) provide the worker with:

(i) a clamp-on type air hose, an in-line pressure gauge and a positive pressure control; and

(ii) a suitable cage or other restraining device to contain flying parts in the event of a split-rim assembly or locking ring assembly failure or tire rupture; and

(b) ensure that the worker inflates the tire from a safe position out of the immediate danger area.

(4) A worker who is mounting a tire:

(a) before commencing, shall place the tire that is to be mounted on a split rim assembly or locking ring assembly in a cage or restraining device;

(b) shall not inflate the tire in excess of the maximum pressure indicated on the tire wall or listed for the size and type of tire in the written instructions provided pursuant to subsection (1);

(c) shall use a clamp-on type air hose, an in-line pressure gauge and positive pressure control; and

(d) shall inflate the tire from a safe position out of the immediate danger area.

4 Oct 96 cO-1.1 Reg 1 s128; 31 Jan 97 SR 6/97 s7.

Storage of materials

129 An employer, contractor or owner shall ensure that:

(a) no material or equipment is placed, stacked or stored so as to constitute a hazard to workers; and

(b) stacked materials or containers are stabilized, if necessary, by interlocking, strapping or other effective means of restraint.

4 Oct 96 cO-1.1 Reg 1 s129.

Pallets and storage racks

130 An employer, contractor, owner or supplier shall ensure that:

(a) pallets are maintained in a manner that will permit safe lifting of the pallets and the pallets' loads by a forklift truck or other device; and

(b) racks for the storage of material or equipment are:

(i) designed, constructed and maintained to support any load placed on the racks; and

(ii) erected on a firm foundation.

4 Oct 96 cO-1.1 Reg 1 s130.

Pressurized hoses

131 An employer, contractor or owner shall ensure that an effective restraining device is used on a hose, pipe or connection that is under pressure if inadvertent disconnection of the hose, pipe or connection could result in danger to workers.

4 Oct 96 cO-1.1 Reg 1 s131.

Designated signallers

132(1) Where the giving of signals by a designated signaller is required by these regulations, an employer or contractor shall:

(a) designate a worker to be the designated signaller;

(b) ensure that the designated signaller is sufficiently trained to carry out the signaller's duties in a manner that will ensure the signaller's safety and the safety of other workers; and

(c) keep a record of the training required by clause (b) and give a copy of the record to the designated signaller.

(2) An employer or contractor shall:

(a) provide each designated signaller with, and require the signaller to use, a high visibility vest, armlets or other high visibility clothing, whether the signaller is on a public highway or is at any other place of employment; and

(b) provide each designated signaller with a suitable light to signal with during hours of darkness and in conditions of poor visibility.

(3) An employer or contractor shall:

(a) install suitably placed signs to warn traffic of the presence of a designated signaller before the signaller begins work; and

(b) where reasonably practicable, install suitable overhead lights to illuminate a designated signaller effectively.

(4) A designated signaller shall ensure that it is safe to proceed with a movement before signalling for that movement to proceed.

(5) Where the giving of signals by a designated signaller is required by these regulations, an employer or contractor shall ensure that:

(a) no worker other than the designated signaller gives signals to an operator except in an emergency; and

(b) only one designated signaller gives signals to an operator at a time.

(6) Where hand signals cannot be transmitted properly between a designated signaller and an operator, an employer or contractor shall ensure that additional designated signallers are available to effect proper transmission of signals or that some other means of communication is provided.

(7) Where two or more designated signallers are used, an employer or contractor shall ensure that the designated signallers are able to communicate effectively with each other.

4 Oct 96 cO-1.1 Reg 1 s132.

Risk from vehicular traffic

133(1) An employer or contractor shall ensure that a worker who is at risk from vehicular traffic, whether on a public highway or at any other place of employment, is provided with and required to use a high visibility vest, armlets or other high visibility clothing.

(2) Where there is a danger to a worker from vehicular traffic on a public highway, an employer or contractor shall develop and implement a traffic control plan, in writing, to protect the worker from traffic hazards by the use of one or more of the following:

(a) warning signs;

(b) barriers;

(c) lane control devices;

(d) flashing lights;

(e) flares;

(f) conspicuously identified pilot vehicles;

(g) automatic or remote-controlled traffic control systems;

(h) designated signallers directing traffic.

(3) An employer or contractor shall ensure that:

(a) workers are trained in the traffic control plan developed pursuant to subsection (2); and

(b) the traffic control plan developed pursuant to subsection (2) is made readily available for reference by workers at the place of employment.

(4) An employer or contractor shall use designated signallers to control traffic on a public highway only where other methods of traffic control are not adequate or suitable.

(5) Where designated signallers are used to control traffic on a public highway, an employer or contractor shall provide:

(a) at least one designated signaller if:

(i) traffic approaches from one direction only; or

(ii) traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would be clearly visible to one another; and

(b) at least two designated signallers if traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would not be clearly visible to one another.

(6) Where there is or may be a hazard to a worker from traffic at a place of employment other than a public highway, an employer or contractor shall develop and implement a traffic control plan to protect the worker from traffic hazards.

(7) A traffic control plan required by subsection (6) must:

(a) be in writing;

(b) be made readily available for reference by workers at the place of employment; and

(c) set out, where appropriate:

(i) the maximum allowable speed of any vehicle or class of vehicles, including powered mobile equipment, in use at the place of employment;

(ii) the maximum operating grades;

(iii) the location and type of control signs;

(iv) the route to be taken by vehicles or powered mobile equipment;

(v) the priority to be established for classes of vehicle;

(vi) the location and type of barriers or restricted areas; and

(vii) the duties of workers and the employer or contractor.

(8) A worker who operates a vehicle or unit of powered mobile equipment at a place of employment and who does not have a clear view of the path to be travelled shall not proceed until a person who has a clear view of the path to be travelled by the vehicle or unit of powered mobile equipment signals to the worker that it is safe to proceed.

(9) Where a provision of this section conflicts with a provision of *The Highway Traffic Act*, *The Highways and Transportation Act*, *The Vehicle Administration Act*, a regulation made pursuant to any of those Acts or a bylaw of a municipality made pursuant to *The Urban Municipality Act, 1984*, *The Rural Municipality Act, 1989* or *The Northern Municipalities Act*, the provision of the other statute, regulation or bylaw prevails.

(10) Nothing in this section applies to a peace officer in the performance of the peace officer's duties.

4 Oct 96 cO-1.1 Reg 1 s133.

PART X
Machine Safety

Operation by workers

134(1) An employer or contractor shall ensure that:

(a) machines are operated only by a competent worker; and

(b) workers are informed of any risk associated with, and trained in the safe use of, the machines.

(2) Before starting a machine, an operator shall ensure that neither the operator nor any other worker will be endangered by starting the machine.

(3) Where a worker or a worker's clothing may contact a moving part of a machine, an employer or contractor shall ensure that the worker:

(a) wears close-fitting clothing;

(b) confines or cuts short any head and facial hair; and

(c) does not wear dangling neckwear or jewellery, rings or other similar items.

4 Oct 96 cO-1.1 Reg 1 s134.

Operating controls

135(1) Where reasonably practicable, an employer, contractor or supplier shall ensure that operating controls on machines:

(a) are located within easy reach of the operator; and

(b) cannot be activated by accidental contact.

(2) Where reasonably practicable, an employer, contractor or supplier shall ensure that stopping devices on machines are:

(a) located in the direct view and within easy reach of the operator; and

(b) readily identifiable.

(3) Where a worker is required to feed material into a material-forming press, punch, shear or similar machine, an employer, contractor or supplier shall:

(a) where practicable, install a positive means to prevent the activation of the machine while any part of the worker's body could be injured by moving parts of the machine; or

(b) where it is not practicable to comply with clause (a), install safeguards to prevent the worker from contacting a moving part of the machine.

4 Oct 96 cO-1.1 Reg 1 s135.

Unattended and suspended machines

136(1) An employer or contractor shall not require or permit a worker to leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been:

(a) immobilized and secured against accidental movement; or

(b) enclosed by a safeguard to prevent access by any other worker to the machine or part.

(2) A worker shall not leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been:

(a) immobilized and secured against accidental movement; or

(b) enclosed by a safeguard to prevent access by any other worker to the machine or part.

4 Oct 96 cO-1.1 Reg 1 s136.

Safeguards

137(1) Except where otherwise provided by these regulations, an employer or contractor shall provide an effective safeguard where a worker may contact:

(a) a dangerous moving part of a machine;

(b) a pinch point, cutting edge or point of a machine at which material is cut, shaped, bored or formed;

(c) an open flame;

(d) a steam pipe or other surface with a temperature that exceeds or may exceed 80° Celsius; or

(e) a cooled surface that is or may be less than minus 80° Celsius.

(2) An employer or contractor shall ensure that a safeguard required by subsection (1) remains in place at all times.

(3) Subsection (1) does not apply to:

(a) a machine that is equipped with an effective safety device that stops the machine automatically before any part of a worker's body comes into contact with a hazard mentioned in clause (1)(a) or (b); or

(b) a belt, rope or chain that is operated from a cathead or capstan.

(4) An employer or contractor shall ensure that a safeguard that is removed from a machine or made ineffective to permit maintenance, testing, repair or adjustment of a machine is replaced or made effective before a worker is required or permitted to use the machine.

(5) Where there is a possibility of machine failure and of injury to a worker resulting from the failure, an employer or contractor shall install safeguards that are strong enough to withstand the impact of debris from the machine failure and to contain any debris resulting from the failure.

4 Oct 96 cO-1.1 Reg 1 s137.

Warning systems

138(1) Where the circumstances described in subsection (2) exist, an employer or contractor shall install:

(a) an audible alarm system that provides a warning of sufficient volume and for a sufficient period before start-up of the machine to give workers timely notice of the imminent start-up; or

(b) a distinctive and conspicuous visual warning system to alert workers of the imminent start-up of the machine.

(2) Subsection (1) applies where:

(a) a worker may be endangered by moving machine parts when a machine is started; and

(b) the operator of the machine does not have a clear view from the operating position of all parts of the machine and of the surrounding area in which there is a potential danger.

(3) An employer or contractor shall place adequate, appropriate and clearly visible warning signs at each point of access to a machine that starts automatically.

4 Oct 96 cO-1.1 Reg 1 s138.

Locking out

139(1) Subject to section 140, before a worker undertakes the maintenance, repair, test or adjustment of a machine other than a power tool, an employer or contractor shall ensure that the machine is locked out and remains locked out during that activity if not doing so would put the worker at risk.

(2) Before a worker undertakes the maintenance, repair, test or adjustment of a power tool, an employer or contractor shall ensure that the energy source has been isolated from the power tool, any residual energy in the power tool has been dissipated and the energy source remains isolated during that activity.

(3) An employer or contractor shall:

(a) provide a written lock-out process to each worker who is required to work on a machine to which subsection (1) applies; and

(b) where the lockout process uses a lock and key, issue to that worker a lock that is operable only by that worker's key and a duplicate key.

(4) Where the lockout process does not use a lock and key, an employer or contractor shall designate a person to co-ordinate and control the lockout process.

(5) Where the lockout process uses a lock and key, an employer or contractor shall designate a person to keep the duplicate key mentioned in clause (3)(b) and ensure that:

(a) the duplicate key is accessible only to the designated person; and

(b) a log book is kept to record the use of the duplicate key and the reasons for that use.

(6) Where it is not practicable to use a worker's key to remove a lock, an employer or contractor may permit the person designated pursuant to subsection (5) to remove the lock if the designated person:

(a) has determined the reason that the worker's key is not available;

(b) has determined that it is safe to remove the lock and activate the machine; and

(c) if a committee or representative is in place, has informed the co-chairpersons or the representative of the proposed use of the duplicate key before it is used.

(7) An employer or contractor shall ensure that a designated person who is permitted to use a duplicate key pursuant to subsection (6):

(a) records in the log book the use of the duplicate key, the reason for its use and the date of its use; and

(b) signs the log book each time that the duplicate key is used.

(8) Where a central automated system controls more than one machine, an employer or contractor shall ensure that the machine to be maintained, repaired, tested or adjusted is isolated from the central system before the lock-out procedures required by subsection (3) are implemented.

(9) Before undertaking any maintenance, repairs, tests or adjustments to a machine to which subsection (1) applies, a worker shall lock out the machine following the process mentioned in clause (3)(a).

(10) After a lock-out device has been installed or a lockout process has been initiated, the worker who installed the first lock or initiated the process shall check the machine to ensure that the machine is inoperative.

(11) No person shall deactivate a lockout process that does not use a lock and key except the person designated pursuant to subsection (4).

(12) No person shall remove a lock-out device except the worker who installed the lock-out device or the designated person acting in accordance with subsection (6).

4 Oct 96 cO-1.1 Reg 1 s139.

Cleaning, etc., of machine or other equipment in motion

140(1) This section applies where any of the following requires cleaning, lubrication or adjustment while all or any part of a machine or other piece of equipment is in motion or under power:

(a) the machine or other piece of equipment;

(b) a part of the machine or of the piece of other equipment; or

(c) any material on the machine or on the piece of equipment.

(2) In the circumstances mentioned in subsection (1), an employer or contractor shall:

(a) develop and implement written work practices and procedures that ensure that the cleaning, lubrication or adjustment is carried out in a safe manner;

(b) ensure that workers who are required to perform the cleaning, lubrication or adjustment are trained in the written work practices and procedures mentioned in clause (a); and

(c) ensure that a copy of the written work practices and procedures mentioned in clause (a) is readily available for reference by workers.

10 Aug 2007 SR 67/2007 s14.

Belts

141(1) An employer or contractor shall ensure that a permanent belt shifter is:

(a) provided for all loose pulleys on any machine; and

(b) constructed so that the belt cannot creep back on to the tight pulley.

(2) An employer or contractor shall ensure that a worker does not shift a belt on a machine by hand while the belt is in motion.

4 Oct 96 cO-1.1 Reg 1 s141.

Air-actuated fastening tools

142 An employer or contractor shall ensure that a worker does not hold the trigger of an air-actuated fastening tool mechanically in the operating position unless the tool is specifically designed to be used in that manner.

4 Oct 96 cO-1.1 Reg 1 s142.

Explosive-actuated fastening tools

143(1) In this section, **"explosive-actuated fastening tool"** means a machine that propels or discharges, by means of an explosive force, a fastening device to attach the fastening device on, affix the fastening device to or cause the fastening device to penetrate another object or material.

(2) An employer or contractor shall ensure that a worker who operates explosive-actuated fastening tool systems is trained in and uses safe work procedures for any explosive-actuated fastening tool that the worker may operate, including:

(a) the selection of the appropriate tool, accessories, fastener and power load for each application;

(b) the limitations of each type of tool, fastener and power load; and

(c) the maintenance, inspection and use of the tool.

(3) An employer or contractor shall ensure that a worker who operates an explosive-actuated fastening tool:

(a) does not leave the tool or explosive charges unattended;

(b) stores the tool and explosive charges in a locked container when not in use; and

(c) uses an industrial eye or face protector that meets the requirements of Part VII.

4 Oct 96 cO-1.1 Reg 1 s143.

Airless spray units

144 Where a worker is required or permitted to use an airless spray unit that is capable of operating at a pressure greater than seven megapascals, an employer or contractor shall ensure that:

(a) the gun, the reservoir and the pump are bonded to ground with a single continuous approved bonding conductor; and

(b) the gun is fitted with suitable tip and trigger guards.

4 Oct 96 cO-1.1 Reg 1 s144.

Grinding machines

145(1) An employer or contractor shall ensure that:

(a) no abrasive wheel is operated:

(i) unless it is equipped with blotters installed according to the manufacturer's recommendations and a safeguard; or

(ii) at a speed in excess of the manufacturer's recommendations;

(b) the maximum speed of each grinder shaft in revolutions per minute is permanently marked on the grinder; and

(c) the mounting flanges for an abrasive wheel have an equal and correct diameter for the wheel.

(2) Where a tool rest is installed on a fixed grinder, an employer or contractor shall ensure that the tool rest is:

(a) installed in a manner that is compatible with the work process;

(b) securely attached to the grinder; and

(c) set not more than three millimetres from the face of the wheel or below the horizontal centre line of the wheel.

(3) An employer or contractor shall not require or permit a worker to use the sides of an abrasive wheel for grinding unless the abrasive wheel is designed for that use.

(4) An employer or contractor shall ensure that a worker who operates a grinder:

(a) is provided with and uses the following personal protective equipment that meets the requirements of Part VII:

(i) an industrial eye or face protector;

(ii) hand or arm protection; and

(b) is instructed in the potential hazards and safe use of the grinder.

4 Oct 96 cO-1.1 Reg 1 s145.

Chain saws

146(1) An employer, contractor or supplier shall ensure that a chain saw is:

(a) equipped with an effective chain brake or a chain and bar that is designed to minimize the possibility of a kickback; and

(b) designed and constructed so that the chain stops when the engine is at idle.

(2) Where a chain saw is to be used by a worker operating from an elevated cage or basket, the width of which is less than twice the length of the chain saw, an employer or contractor shall ensure that a secondary platform is installed outside the cage or basket and is used to store the chain saw and to start the chain saw engine.

(3) An employer or contractor shall ensure that a worker who operates a chain saw:

(a) stops the chain while the worker is walking with the saw;

(b) does not operate the saw at a height that is higher than the worker's shoulder level;

(c) holds the saw firmly in both hands while operating the saw; and

(d) maintains the chain saw, cutting chain and safeguards in safe operating condition.

(4) A worker who operates a chain saw:

(a) shall stop the chain while the worker is walking with the saw;

(b) shall not operate the saw at a height that is higher than the worker's shoulder level;

(c) shall hold the saw firmly in both hands while operating the saw;

(d) shall maintain the chain saw, cutting chain and safeguards in safe operating condition; and

(e) shall maintain the chain saw so that the chain stops when the engine is at idle.

4 Oct 96 cO-1.1 Reg 1 s146.

Circular saws

147(1) Subject to subsection (2), where a circular saw blade develops a crack in the outside diameter of the saw blade, an employer or contractor shall ensure that the blade is discarded unless:

(a) the blade is effectively repaired by a competent person; and

(b) the original blade tension is restored.

(2) An employer or contractor shall ensure that a circular saw blade that develops a crack from the eye or the collar is discarded.

(3) An employer, contractor or supplier shall ensure that a portable hand-operated circular saw is equipped with a safeguard that will automatically cover the exposed part of the blade during use and the entire blade when the saw is not in use.

4 Oct 96 cO-1.1 Reg 1 s147.

Power-fed circular saws

148(1) An employer, contractor or supplier shall ensure that a power-fed circular rip saw with horizontal, power-driven feed rolls is equipped with a sectional non-kickback device located in front of the saw blade and across the full width of the rolls.

(2) An employer, contractor or supplier shall ensure that a power-fed circular rip saw:

(a) is equipped with a splitter that extends to the height of the top of the saw blade; and

(b) has a saw blade that is equipped with a safeguard or located so that a worker cannot reach it.

4 Oct 96 cO-1.1 Reg 1 s148.

Band-saws

149(1) Where a band-saw blade develops a crack the depth of which is more than 5% of the width of the saw blade, an employer or contractor shall ensure that the blade is discarded unless:

(a) the width of the blade is reduced so as to eliminate the crack; or

(b) the cracked section is repaired by a competent person.

(2) An employer, contractor or supplier shall ensure that a band-saw has an automatic tension control device.

4 Oct 96 cO-1.1 Reg 1 s149.

Cut-off saws

150 An employer, contractor or supplier shall ensure that:

(a) a hand-operated, sliding or swing cut-off saw is equipped with a device that will return the saw automatically to the back of the table when the saw is released at any point in the saw's travel; and

(b) a limit device is installed on a swing or sliding cut-off saw to prevent the saw from travelling beyond the outside edge of the cutting table.

4 Oct 96 cO-1.1 Reg 1 s150.

Pushblocks and pushsticks

151(1) In this section:

(a) **"pushblock"** means a short block of wood with a shoulder at the rear that is provided with a suitable handle that will engage with the shoulder;

(b) **"pushstick"** means a narrow strip of wood or other suitable material with a notch cut into one end.

(2) An employer or contractor shall ensure that a worker uses a pushstick or pushblock to feed wood or other material into any machine that is used for cutting or shaping the wood or other material.

4 Oct 96 cO-1.1 Reg 1 s151.

Hand-fed planers and joiners

152(1) An employer or contractor shall ensure that a hand-fed planer or joiner is operated at a height that is suitable for the worker who operates it.

(2) An employer, contractor or supplier shall ensure that a hand-fed planer or joiner with a horizontal cutting head has an automatic safeguard that will cover all sections of the head on the working side of the safeguard when material is not being cut.

4 Oct 96 cO-1.1 Reg 1 s152.

PART XI
Powered Mobile Equipment

Interpretation

153 In this Part:

(a) **Repealed.** 10 Aug 2007 SR 67/2007 s15.

(b) **"hours of darkness"** means:

(i) the period from one-half hour after sunset to one hour before sunrise; or

(ii) any time when, because of insufficient light or unfavourable atmospheric conditions, persons or vehicles are not clearly discernable at a distance of 150 metres.

4 Oct 96 cO-1.1 Reg 1 s153; 10 Aug 2007 SR 67/2007 s15.

Trained operators for powered mobile equipment

154(1) In this section:

(a) **"farming or ranching operation"** includes any of the following operations:

(i) the production of crops, including fruits and vegetables, seeds and animal feed, through the cultivation of land;

(ii) the drying, cleaning, handling and transporting of grain by the original producer of that grain;

(iii) feedlot and intensive livestock operations;

(iv) the production of raw milk;

(v) the operation of greenhouses;

(vi) the operation of herb or mushroom farms;

(vii) the raising of animals used in the production of food, including horses;

(viii) the keeping of bees;

(ix) the operation of sod farms;

(x) the operation of tree nurseries;

(b) **"trained operator"** means a worker who:

(i) has successfully completed a training program that includes all of the elements set out in Table 14.1 of the Appendix for the type of powered mobile equipment that the worker will be required or permitted to operate; or

(ii) is completing the practical training required by Table 14.1 of the Appendix under the direct supervision of a competent operator within the meaning of subclause (i).

(2) Subject to subsection (4), every employer or contractor shall ensure that only trained operators are required or permitted to operate powered mobile equipment.

(3) An employer or contractor shall ensure that:

(a) the training required by Table 14.1 of the Appendix is provided by competent persons; and

(b) a written record of all training delivered to workers pursuant to this section and Table 14.1 of the Appendix is kept readily available.

(4) This section does not apply to persons directly engaged in a farming or ranching operation.

6 Mar 2009 SR 18/2009 s3.

Visual inspection

155(1) Before a worker starts any powered mobile equipment, an employer or contractor shall ensure that the worker makes a complete visual inspection of the equipment and the surrounding area to ensure that no worker, including the operator, is endangered by the start-up of the equipment.

(2) No worker shall start any powered mobile equipment until the inspection required by subsection (1) is completed.

4 Oct 96 cO-1.1 Reg 1 s155.

Inspection and maintenance

156 An employer or contractor shall ensure that:

(a) all powered mobile equipment is inspected by a competent person for defects and unsafe conditions as often as is necessary to ensure that it is capable of safe operation;

(b) where a defect or unsafe condition that may create a hazard to a worker is identified in the powered mobile equipment:

(i) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(ii) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected; and

(c) a written record of the inspections and maintenance carried out pursuant to clauses (a) and (b) is kept at the place of employment and made readily available to the operator.

4 Oct 96 cO-1.1 Reg 1 s156.

Requirements for powered mobile equipment

157(1) An employer, contractor or supplier shall ensure that each unit of powered mobile equipment is equipped with:

(a) a device within easy reach of the operator that will permit the operator to stop as quickly as possible any ancillary equipment driven from the powered mobile equipment, including any power take-off, crane and auger and any digging, lifting and cutting equipment;

(b) a horn or other audible warning device;

(c) seats that are designed and installed to ensure the safety of all workers required or permitted to be in or on the equipment while the equipment is in motion except where the powered mobile equipment is designed to be operated from a standing position; and

(d) an effective braking system and an effective parking device.

(2) Where a unit of powered mobile equipment is operated during hours of darkness in an area that is not adequately illuminated, an employer, contractor or supplier shall ensure that it is equipped with suitable headlights and back-up lights that clearly illuminate the path of travel.

(3) Where a unit of powered mobile equipment has a windshield, an employer, contractor or supplier shall ensure that it is equipped with suitable windshield washers and wipers.

(4) Where a unit of powered mobile equipment is fitted with roll-over protective structures, an employer, contractor or supplier shall ensure that the equipment is equipped with:

(a) seat-belts for the operator and any other worker who is required or permitted to be in or on the equipment while the equipment is in motion; or

(b) shoulder belts, bars, gates, screens or other restraining devices designed to prevent the operator and any other worker from being thrown outside the roll-over protective structures if the work process renders the wearing of a seat-belt impracticable.

(5) Where there is a danger to the operator of a unit of powered mobile equipment or any other worker who is required or permitted to be in or on a unit of powered mobile equipment from a falling object or projectile, an employer, contractor or supplier shall ensure that the powered mobile equipment is equipped with a suitable and adequate cab, screen or guard.

4 Oct 96 cO-1.1 Reg 1 s157.

Construction, repair, etc., of powered mobile equipment

157.1 An employer, contractor, owner or supplier shall ensure that each unit of powered mobile equipment is constructed, structurally repaired, inspected, tested, maintained and operated in accordance with the manufacturer's specifications or an approved standard.

10 Aug 2007 SR 67/2007 s17.

Use of seat-belt or restraint by operator

158 An employer or contractor shall ensure that the operator of a unit of powered mobile equipment uses the seat-belt or other restraining device required by subsection 157(4).

4 Oct 96 cO-1.1 Reg 1 s158.

Protection against shifting of load

159 An employer or contractor shall install a bulkhead or other effective restraining device to protect the operator and any other worker who is required or permitted to be in or on powered mobile equipment used to transport equipment or materials that may shift under emergency stopping conditions and endanger the operator or other worker.

4 Oct 96 cO-1.1 Reg 1 s159.

Warning of reverse motion

160 An employer, contractor or supplier shall ensure that a motor vehicle or unit of powered mobile equipment that may be used in such a way that a worker other than the operator may be placed at risk by an unexpected reverse movement is equipped with a suitable warning device that operates automatically when the vehicle or equipment starts to move in reverse.

4 Oct 96 cO-1.1 Reg 1 s160.

Roll-over protective structures

161(1) An employer, contractor or supplier shall ensure that no unit of powered mobile equipment that is equipped with an engine rated at 15 kilowatts or more and is in any of the following categories is used unless it is fitted with a roll-over protective structure that meets the requirements of subsection (2):

(a) motor grader;

(b) crawler tractor, other than one that operates with side booms;

(c) wheeled or tracked dozer and loader, other than one that operates with side booms;

(d) self-propelled wheeled scraper;

(e) self-propelled roller;

(f) compactor;

(g) rubber-tired tractor;

(h) skidder.

(2) Except as otherwise provided in these regulations, an employer, contractor or supplier shall ensure that a roll-over protective structure required by subsection (1):

(a) is designed, manufactured and installed to meet the requirements of an approved standard; and

(b) has the following information permanently and legibly marked on the structure:

(i) the manufacturer's name and address;

(ii) the model and serial number;

(iii) the make and model or series number of the machines that the structure is designed to fit;

(iv) an identification of the standard to which the structure was designed, manufactured and installed.

(3) Where a roll-over protective structure required by subsection (1) is not available, an employer, contractor or supplier shall ensure that a unit of powered mobile equipment mentioned in subsection (1) is equipped with a roll-over protective structure that is:

(a) designed by a professional engineer;

(b) designed and fabricated so that the structure and supporting attachments will support at least twice the weight of the equipment to which the structure is to be fitted, based on the ultimate strength of the metal and integrated loading of structural members, with the resultant load applied at the point of impact; and

(c) installed to have a vertical clearance of 1.2 metres between the decks and the structures at the point of operator entrance or exit.

(4) A roll-over protective structure that was installed on powered mobile equipment on or before the day on which these regulations come into force and that was designed and manufactured to meet any standard described in section 200 of *The Occupational Health and Safety Regulations* as that section existed immediately before these regulations come into force is deemed to meet the requirements of this section.

(5) An employer, contractor or supplier shall ensure that all modifications or repairs to existing roll-over protective structures are certified as meeting the requirements of this section by a professional engineer.

(6) This section does not apply to equipment that is used underground in a mine and that is governed by *The Mines Regulations*.

4 Oct 96 cO-1.1 Reg 1 s161.

Transparent materials used in cabs, etc.

162(1) An employer, contractor or supplier shall ensure that any transparent material used as part of the enclosure for a cab, canopy or roll-over protective structure on powered mobile equipment is made of safety glass or another material that gives at least equivalent protection against shattering.

(2) An employer, contractor or supplier shall ensure that any defective glass or other transparent material in a cab, canopy or roll-over protective structure that creates or may create a hazard is removed and replaced.

4 Oct 96 cO-1.1 Reg 1 s162.

Fuel tanks in enclosed cabs

163 Where a unit of powered mobile equipment is equipped with an enclosed cab, an employer, contractor or supplier shall ensure that a fuel tank located in the enclosed cab has a filler spout and vents that extend to the outside of the cab.

4 Oct 96 cO-1.1 Reg 1 s163.

Dangerous movements

164(1) Where a worker may be endangered by the swinging movement of a load or a part of a unit of powered mobile equipment, an employer or contractor shall not require or permit a worker to remain within range of the swinging load or part.

(2) Where a worker may be required or permitted to perform maintenance, repairs or other work on or under an elevated part of a unit of powered mobile equipment, an employer or contractor shall ensure that the elevated part is securely blocked to prevent accidental movement.

(3) An operator of a unit of powered mobile equipment shall not move or cause to be moved any load or part of the equipment when a worker may be endangered by that movement.

4 Oct 96 cO-1.1 Reg 1 s164.

Transporting workers

165(1) An employer or contractor shall ensure that no worker is transported on a vehicle or a unit of powered mobile equipment unless the worker is seated and secured by a seat-belt or other restraining device that is designed to prevent the worker from being thrown from the vehicle or equipment while the vehicle or equipment is in motion.

(2) An employer or contractor shall ensure that no worker is transported on the top of a load that is being moved by a vehicle or a unit of powered mobile equipment.

(3) An employer or contractor shall ensure that no worker places equipment or material in a compartment of a vehicle or powered mobile equipment in which the operator or another worker is being transported unless the equipment or material is positioned or secured so as to prevent injury to the operator or the other worker.

(4) Where an open vehicle or unit of powered mobile equipment is used to transport a worker, an employer or contractor shall ensure that the worker is restrained from falling from the vehicle or powered mobile equipment and that no part of the worker's body protrudes beyond the side of the vehicle or powered mobile equipment.

(5) An employer or contractor shall ensure that sufficient protection against inclement weather is provided for workers who are required to travel in a vehicle or a unit of powered mobile equipment.

(6) Where a vehicle or unit of powered mobile equipment with an enclosed body is used to transport workers, an employer, contractor or supplier shall ensure that the exhaust outlet of the engine is located so that exhaust gases cannot enter the enclosed body.

4 Oct 96 cO-1.1 Reg 1 s165.

Ladders attached to extending boom

166(1) An employer or contractor shall ensure that:

(a) subject to subsection (2), no worker is on a ladder that is attached as a permanent part of an extending boom on powered mobile equipment during any movement of the equipment, including extension or retraction of the boom;

(b) where outriggers are incorporated into powered mobile equipment, no worker climbs a ladder attached to an extending boom unless the outriggers are deployed; and

(c) no worker operates any powered mobile equipment equipped with an extending boom unless the powered mobile equipment is stable under all operating conditions.

(2) Clause (1)(a) does not apply to firefighting equipment.

4 Oct 96 cO-1.1 Reg 1 s166.

Forklifts

167(1) An employer, contractor or supplier shall ensure that every forklift:

(a) is provided with a durable and clearly legible load rating chart that is readily available to the operator; and

(b) is equipped with a seat-belt for the operator if the forklift is equipped with a seat.

(2) An employer or contractor shall ensure that the operator of a forklift uses the seat-belt required by clause (1)(b).

4 Oct 96 cO-1.1 Reg 1 s167.

PART XII
Scaffolds, Aerial Devices, Elevating Work Platforms and Temporary Supporting Structures

Interpretation

168 In this Part:

(a) **"aerial device"** means a vehicle-mounted telescoping or articulating unit that is used to position a worker at an elevated worksite, and includes a work basket or bucket, an aerial ladder, an extendable and articulating boom platform, a vertical tower and any combination of those devices;

(b) **"base plate"** means a device that is attached to the base of a scaffold upright and that is used to distribute the vertical load over a larger area of the sill;

(c) **"bearer"** means a horizontal scaffold member on which the platform rests and that may be supported by ledgers, and includes transoms and joists;

(d) **"brace"** means a scaffold member fastened diagonally to the uprights across the vertical faces of the scaffold to provide stability against lateral movement of the scaffold;

(e) **"bracket scaffold"** means a platform that is supported by two or more triangular brackets projecting out from a structure to which the brackets are securely fastened;

(f) **"double-pole scaffold"** means a platform that is supported by bearers attached to a double row of braced uprights;

(g) **"elevating work platform"** means a work platform that can be self-elevated to overhead worksites, and includes an elevating rolling work platform, a self-propelled elevating work platform and a boom-type elevating work platform;

(h) **"flyform deck panel"** means a temporary supporting structure that:

(i) is used as a modular falsework;

(ii) is intended to be moved; and

(iii) is capable of being moved from floor to floor and re-used during a construction project;

(i) **"half-horse scaffold"** means a platform that is supported by two or more braced, splayed supports resting in or on the structure;

(j) **"heavy-duty scaffold"** means a scaffold that is intended to support workers, equipment and stored or stacked materials and that is designed to support the minimum load identified in clause 172(1)(b);

(k) **"ladderjack scaffold"** means a platform that is supported by brackets attached to ladders;

(l) **"ledger"** means a horizontal scaffold member extending from upright to upright that may support the bearers, and includes runners, stringers and ribbons;

(m) **"light-duty scaffold"** means a scaffold that is intended to support workers and materials for current use only, with no storage of other materials except the worker's tools, and that is designed to support the load identified in clause 172(1)(a);

(n) **"maximum load"** means the maximum actual load that a scaffold is designed to support or resist in use, and includes the working load, the actual weight of all the components of the scaffold, wind, environmental conditions and all other loads that may reasonably be anticipated;

(o) **"modular scaffold"** means a platform that is supported by uprights with fixed attachment points for standard-sized ledgers, bracing and accessories;

(p) **"needle-beam scaffold"** means a platform that is supported by parallel horizontal beams suspended by ropes attached to overhead anchors;

(q) **"outrigger scaffold"** means a platform that is supported by rigid members that are cantilevered out from the structure or vertical supports;

(r) **"personnel lifting unit"** means a work platform suspended by rigging from a crane or hoist that is used to position a worker at an elevated worksite, and includes a manbasket and work basket;

(s) **"rolling scaffold"** means a freestanding scaffold that is equipped with castors or wheels at the base of the scaffold;

(t) **"scaffold"** means a temporary elevated platform and the platform's supporting structure that are designed to support workers and hand tools, or workers, equipment and materials;

(u) **"sill"** means a wood, concrete or metal footing used to distribute the load from a standard, an upright or a base plate of a scaffold to the ground;

(v) **"single-pole scaffold"** means a platform that is supported by bearers attached at the outer end to a single row of braced uprights and at the inner end to the structure;

(w) **"suspended outrigger scaffold"** means a scaffold with a working platform that is suspended by wooden vertical members from rigid horizontal members that are cantilevered out from the structure;

(x) **"suspended powered scaffold"** means a platform that is suspended from overhead supports by ropes or cables and equipped with winches or pulley blocks so that the scaffold can be moved, and includes a boatswain's chair, work basket, work cage, swingstage or other similar scaffold;

(y) **"suspended scaffold"** means a platform that is supported by four wire ropes suspended from members that are cantilevered out from the structure;

(z) **"temporary supporting structure"** means a falsework, form, flyform deck panel, shoring, brace or cable that is used to support a structure temporarily or to stabilize materials or earthworks until the materials or earthworks are self-supporting or the instability is otherwise overcome, and includes metal scaffold components;

(aa) **"tube and clamp scaffold"** means a platform that is supported by steel or aluminum tubes with wedge or bolt clamp connectors and accessories;

(bb) **"tubular frame scaffold"** means a platform that is supported by welded tubular frames, cross-braces and accessories;

(cc) **"upright"** means a vertical scaffold member that transmits the load to the ground, and includes posts, verticals and standards;

(dd) **"working load"** means the total of the loads from workers, materials, equipment and work processes.

4 Oct 96 cO-1.1 Reg 1 s168.

Scaffold required

169 Where work cannot be safely done from the ground or from a permanent structure, an employer or contractor shall provide a scaffold or other safe working platform or a ladder that meets the requirements of Part XVI for the use of workers.

4 Oct 96 cO-1.1 Reg 1 s169.

Prohibition

170 No employer or contractor shall require or permit a worker to use a needle-beam scaffold or a suspended outrigger scaffold as a work platform.

4 Oct 96 cO-1.1 Reg 1 s170.

Limited use of certain scaffolds

171(1) An employer or contractor shall ensure that the following types of scaffolds are used only as light-duty scaffolds:

(a) half-horse scaffolds;

(b) ladderjack scaffolds;

(c) single-pole scaffolds.

(2) An employer or contractor shall ensure that the following types of scaffolds are used only as light-duty scaffolds unless the scaffold is designed by a professional engineer and constructed, erected, used, maintained and dismantled in accordance with that design:

(a) bracket scaffolds;

(b) outrigger scaffolds;

(c) suspended scaffolds;

(d) suspended powered scaffolds.

4 Oct 96 cO-1.1 Reg 1 s171.

General requirements

172(1) An employer or contractor shall ensure that:

(a) every light-duty scaffold is designed and constructed to support:

(i) a minimum working load of 3.63 kN per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section; and

(ii) a minimum uniformly distributed working load of 1.20 kN/m^2, acting simultaneously with the concentrated load specified in subclause (i); and

(b) every heavy-duty scaffold is designed and constructed to support:

(i) a minimum working load of 3.88 kN per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section; and

(ii) a minimum uniformly distributed working load of 3.60 kN/m^2, acting simultaneously with the concentrated load specified in subclause (i).

(2) An employer or contractor shall ensure that every scaffold is:

(a) designed, constructed, erected, used and maintained so as to perform safely any task that the scaffold is required to perform;

(b) designed, constructed and erected to support or resist:

(i) in the case of a wooden scaffold, at least four times the load that may be imposed on the scaffold;

(ii) in the case of a metal scaffold, at least 2.2 times the load that may be imposed on the scaffold;

(iii) in the case of any components suspending any part of a scaffold supporting workers, at least 10 times the load that may be imposed on those components; and

(iv) four times the maximum load or force to which the scaffold is likely to be subjected without overturning;

(c) erected, maintained and dismantled by a competent worker.

(3) An employer or contractor shall ensure that a freestanding scaffold is restrained from overturning by guying or other suitable means.

(4) An employer or contractor shall ensure that a scaffold that is built from the ground or other surface:

(a) is supported by a foundation that is of sufficient area, stability and strength to ensure the stability of the scaffold;

(b) is set level on a stable sill that is at least 38 x 240 millimetres and continuous under at least two consecutive supports;

(c) where an upright could penetrate the sill, a base plate is installed in the upright;

(d) is supported against lateral movement by adequate, secure bracing;

(e) is anchored:

(i) vertically at not less than four-metre intervals and horizontally at not less than six-metre intervals;

(ii) where designed by a professional engineer, at intervals recommended by a professional engineer; or

(iii) where commercially manufactured, at intervals recommended by the manufacturer;

(f) is provided with internal stairways or ladders if the scaffold is nine metres or more in height; and

(g) is checked to ensure that the scaffold is plumb and level after each tier is added.

(5) Where a scaffold is partially or fully enclosed, an employer or contractor shall ensure that all scaffold components and tie-ins are adequate to support the added load that may be placed on the scaffold as a result of wind or other adverse weather conditions.

(6) An employer or contractor shall ensure that all workers who are required to work on a scaffold are provided with the following information:

(a) the maximum working load of the scaffold;

(b) any other information, restriction or condition that is necessary to ensure the safe use of the scaffold.

(7) Where a scaffold is more than six metres high, an employer or contractor shall install a gin wheel and hoist arm or other suitable lifting device to hoist materials from the ground.

4 Oct 96 cO-1.1 Reg 1 s172; 31 Jan 97 SR 6/97 s8.

Ropes in scaffolds

173(1) An employer or contractor shall ensure that a rope or wire rope that forms an integral part of a scaffold is protected against abrasion or other physical damage.

(2) Where damage to a rope that forms an integral part of a scaffold from heat or chemicals is possible, an employer or contractor shall ensure that rope of heat or chemical resistant material is used.

4 Oct 96 cO-1.1 Reg 1 s173.

Scaffold planks and platforms

174(1) An employer or contractor shall ensure that scaffold planks:

(a) are inspected by a competent worker to ensure that the scaffold planks are free of defects before the planks are incorporated in a scaffold;

(b) subject to subsections (2) and (4), are of 38 x 240 millimetre, number 1 structural grade spruce lumber or material of equivalent or greater strength;

(c) are the same thickness as adjoining planks;

(d) are laid tightly side by side with adjoining planks to cover the full width of the platform;

(e) are secured to prevent accidental or inadvertent movement in any direction;

(f) where wooden, do not span more than three metres between vertical supports on a light-duty scaffold or 2.1 metres between vertical supports on a heavy-duty scaffold;

(g) where metal or manufactured laminate, do not have a span between vertical supports greater than the span recommended by the manufacturer; and

(h) do not extend less than 150 millimetres or more than 300 millimetres beyond the bearers.

(2) An employer, contractor or supplier may use a manufactured scaffold plank if the plank is used according to the manufacturer's recommendations and the manufactured scaffold plank is clearly marked with its maximum working load or the load specifications are readily available at the worksite.

(3) Subject to subsection (4), an employer or contractor shall ensure that a scaffold platform:

(a) is at least one-half metre wide in the case of a light-duty scaffold;

(b) is at least one metre wide in the case of a heavy-duty scaffold; and

(c) is level or, where used as a ramp, has a slope at an angle not steeper than five horizontal to one vertical.

(4) A single manufactured extending painter's plank, or a plank that is 51 x 305 millimetre, number 1 structural grade spruce lumber or material of equivalent or greater strength, may be used in a ladderjack scaffold.

4 Oct 96 cO-1.1 Reg 1 s174.

Wooden scaffolds

175(1) An employer or contractor shall ensure that the dimensions of members of a light-duty wooden scaffold that is less than six metres in height are not less than the dimensions specified in Table 15 of the Appendix.

(2) An employer or contractor shall ensure that a wooden scaffold is constructed of unpainted number 1 structural grade spruce lumber or material of equivalent or greater strength.

4 Oct 96 cO-1.1 Reg 1 s175.

Metal scaffolds

176(1) Where a metal scaffold is used, an employer or contractor shall ensure that the metal scaffold is:

(a) erected, used, maintained and dismantled in accordance with the manufacturer's or professional engineer's specifications and recommendations; and

(b) inspected, by a competent person, prior to use and daily when in use for any damage, deterioration or weakening of the scaffold or the scaffold's components.

(2) If a metal scaffold or a component of a metal scaffold is damaged, deteriorated or weakened so that the strength or stability of the scaffold is affected, an employer or contractor shall ensure that the scaffold is not used until the scaffold or component is repaired or replaced by a competent person in accordance with the manufacturer's or a professional engineer's specifications and recommendations.

(3) Where a metal scaffold is a tube and clamp scaffold, an employer or contractor shall ensure that:

(a) joints in adjacent uprights are staggered and do not occur in the same tier;

(b) joints in uprights are located not more than one-third of a tier away from the connection of a ledger;

(c) ledgers are erected horizontally along the length of the scaffold and coupled to each upright at regular intervals of one tier;

(d) all ledgers are joined to form a continuous length;

(e) individual tube lengths of a ledger are the lesser of:

(i) two or more bays in length; or

(ii) the horizontal length of the scaffold;

(f) tubes of different metals or gauges are not joined together; and

(g) where base plates are required, they are securely installed in the uprights and securely attached to the sills.

(4) Where a metal scaffold is a standard tubular frame scaffold, an employer or contractor shall ensure that:

(a) where base plates, shore heads, extension devices or screwjacks are necessary, they are securely installed and securely attached to the sills and the legs of the frame; and

(b) there are no gaps between the lower end of one frame and the upper end of the frame below on stacked frames.

(5) Where a metal scaffold is a modular scaffold, an employer or contractor shall ensure that:

(a) where extension devices or screwjack bases and base collars are necessary, they are securely installed and securely attached to the sills;

(b) joints in adjacent uprights are staggered and do not occur in the same tier;

(c) there are no gaps between the lower end of one upright and the upper end of the upright below it;

(d) ledgers, bearers and braces are properly secured; and

(e) components from different modular scaffold systems are not used in the same scaffold.

4 Oct 96 cO-1.1 Reg 1 s176.

Heavy-duty scaffolds, scaffolds used at certain heights

177(1) This section applies to a scaffold that:

(a) is to be used as a heavy-duty scaffold;

(b) in the case of a wooden scaffold, has a platform at a height that is six metres or more above either ground level or a permanent working surface; or

(c) in the case of a metal scaffold, has a platform at a height that is greater than 15 metres above either ground level or a permanent working surface.

(2) An employer, contractor or owner shall ensure that a scaffold mentioned in subsection (1) is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

(3) While a scaffold mentioned in subsection (1) is being constructed, erected, used, maintained or dismantled, an employer, contractor or owner shall keep at the worksite all drawings and supplementary information regarding the scaffold, including:

(a) the dimensions, specifications, type and grade of all components of the scaffold; and

(b) the maximum load and the maximum working load that the scaffold is designed or manufactured to support.

(4) An employer, contractor or owner shall make readily available to the workers a copy of the drawings and supplementary information mentioned in subsection (3).

4 Oct 96 cO-1.1 Reg 1 s177.

Half-horse scaffolds

178(1) An employer or contractor shall ensure that the legs of a half-horse scaffold are not spliced, are less than three metres high and have an angle of repose and an angle of splay that are 15° from the vertical.

(2) An employer or contractor shall ensure that a ladder is used to provide access to and exit from a half-horse scaffold.

4 Oct 96 cO-1.1 Reg 1 s178.

Bracket scaffolds

179 An employer or contractor shall ensure that the brackets of a bracket scaffold are securely attached to prevent the brackets from dislodging and are not more than three metres apart.

4 Oct 96 cO-1.1 Reg 1 s179.

Ladderjack scaffolds

180 An employer or contractor shall ensure that:

(a) brackets and ladders used for a ladderjack scaffold are:

(i) designed and constructed to support the anticipated load safely; and

(ii) used according to the manufacturer's specifications and recommendations; and

(b) ladders used for a ladderjack scaffold are not more than three metres apart.

4 Oct 96 cO-1.1 Reg 1 s180.

Single-pole scaffolds

181 An employer or contractor shall ensure that:

(a) a single-pole scaffold is adequately supported in two directions by a system of diagonal braces that are:

(i) not more than six metres long; and

(ii) connected to the uprights as close to the ledgers as possible; and

(b) every ledger on a single-pole scaffold is supported by a bearer that is of substantial construction and that is securely fastened to the structure.

4 Oct 96 cO-1.1 Reg 1 s181.

Outrigger scaffolds

182 Where an outrigger scaffold is used, an employer or contractor shall ensure that the scaffold is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

4 Oct 96 cO-1.1 Reg 1 s182.

Suspended scaffolds

183(1) Where a suspended scaffold is used, an employer, contractor or supplier shall ensure that the scaffold is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

(2) An employer or contractor shall ensure that the working parts of the hoisting mechanism of a suspended scaffold are left exposed so that defective parts or irregular working of the mechanism can be easily detected.

(3) An employer or contractor shall ensure that no worker is required or permitted to operate the hoisting mechanism of a suspended scaffold unless the worker is competent and has been designated by the employer or contractor to perform that work.

(4) An employer or contractor shall ensure that all parts of a suspended scaffold are inspected prior to use and daily when in use.

4 Oct 96 cO-1.1 Reg 1 s183.

Suspended powered scaffolds

184(1) Where a suspended powered scaffold is used, an employer, contractor, supplier or owner shall ensure that the scaffold and its suspension system is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

(2) An employer, contractor or owner shall ensure that:

(a) where a parapet is part of the support structure of a suspended powered scaffold, the parapet can withstand the force of the load; and

(b) the anchor points for the suspension system are secure and can safely withstand the load.

(3) An employer, contractor, owner or supplier shall ensure that a power unit of a suspended powered scaffold is equipped with positive pressure controls and positive drives for raising and lowering the scaffold.

(4) Where workers are required to use a manually-operated suspended powered scaffold, an employer, contractor, supplier or owner shall ensure that:

(a) the scaffold is equipped with spring-actuated locking pawls;

(b) the hoisting mechanism is locked in a positive drive position by means of a spring-steel locking pin; and

(c) the locking pin is permanently attached to the hoisting mechanism by a light chain.

(5) Where a suspended powered scaffold is used, an employer, contractor or owner shall ensure that:

(a) the suspension rope consists of wire rope that is at least eight millimetres in diameter or meets the specifications recommended by the manufacturer of the scaffold or the professional engineer who designed the scaffold;

(b) either:

(i) the suspension rope is long enough to reach the next working surface below the scaffold;

(ii) the end of the suspension rope is doubled back and held securely by a cable clamp to prevent the hoisting machine from running off the end of the rope; or

(iii) directional limiting devices that prevent travel of the working platform beyond the safe limit of travel are installed; and

(c) all rigging hardware has a safety factor of at least 10.

(6) An employer, contractor or owner shall ensure that a suspended powered scaffold is equipped with a secondary safety device that will activate if the suspension rope connection or primary hoisting system fails.

(7) An employer, contractor or owner shall ensure that a lifeline used with a suspended powered scaffold is:

(a) suspended independently from the scaffold; and

(b) securely attached to a fixed anchor point so that the failure of the scaffold will not cause the lifeline to fail.

(8) An employer, contractor or owner shall ensure that the working platform of a suspended powered scaffold:

(a) is at least 500 millimetres wide and fastened to the stirrups; and

(b) is designed to prevent the scaffold from swinging or swaying away from the structure from which the scaffold is suspended.

(9) An employer, contractor or owner shall ensure that:

(a) there is no covering or hoarding around or over a suspended powered scaffold; and

(b) two or more suspended powered scaffolds are not linked together by bridging the distance between the scaffolds with planks or any similar form of connection.

(10) Where a suspended powered scaffold is permanently installed on a structure, an employer, contractor or owner shall ensure that a professional engineer has certified that the scaffold, its suspension system and all components and anchor points are safe before the scaffold is used.

4 Oct 96 cO-1.1 Reg 1 s184.

Tie-in guides

185(1) On and after July 1, 1997, an owner shall ensure that a new structure that will be serviced by a suspended powered scaffold is constructed with:

(a) fixed anchor points that will safely support the scaffold and lifelines; and

(b) tie-in guides to provide a positive means of engagement between the suspended part of the equipment and the structure during the full vertical or inclined travel of the scaffold on the face of the structure.

(2) The tie-in guides required by clause (1)(b) must meet the requirements of an approved standard.

4 Oct 96 cO-1.1 Reg 1 s185.

Use of suspended powered scaffolds

186(1) An employer or contractor shall:

(a) develop work practices and procedures for the safe use of any suspended powered scaffold;

(b) train the workers in the procedures required pursuant to clause (a); and

(c) ensure that every worker complies with the procedures required pursuant to clause (a).

(2) An employer or contractor shall ensure that a suspended powered scaffold is operated by a competent worker.

(3) An employer or contractor shall ensure that all parts of a suspended powered scaffold are inspected prior to use and daily when in use.

(4) An employer or contractor shall ensure that a worker who works on a suspended powered scaffold is provided with and uses a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part VII.

4 Oct 96 cO-1.1 Reg 1 s186; 10 Aug 2007 SR 67/2007 s18.

Workers' responsibilities

187(1) Before starting to work on a suspended powered scaffold, a worker shall inspect the scaffold to ensure that:

(a) the thrustouts or parapet hooks are secured; and

(b) the suspension ropes and lifelines are free from abrasion or other damage.

(2) While working on a suspended powered scaffold, a worker shall:

(a) remain on the platform between the suspension ropes at all times;

(b) secure from fouling all ropes from the scaffold that extend to the ground or a landing;

(c) use a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part VII; and

(d) ensure that, when the scaffold is being moved up or down on a suspension rope, the scaffold is kept level.

(3) A worker shall not:

(a) bridge the distance between a suspended powered scaffold and any other scaffold with planks or by any other means; or

(b) use the lifeline or the suspension ropes as a means of access to or exit from the scaffold except in cases of emergency.

(4) A worker shall comply with the work practices and procedures developed pursuant to clause 186(1)(a).

4 Oct 96 cO-1.1 Reg 1 s187; 10 Aug 2007 SR 67/2007 s19.

Rolling scaffolds

188(1) An employer or contractor shall ensure that the height of a rolling scaffold is not more than three times:

(a) the smallest dimension of the scaffold's base; or

(b) where outriggers are provided, the smallest dimension of the scaffold's base, including the extended outriggers.

(2) Where outriggers are provided on a rolling scaffold, an employer or contractor shall ensure that the outriggers are firmly attached to the scaffold uprights to ensure the stability of the scaffold.

(3) An employer or contractor shall ensure that:

(a) each wheel on a rolling scaffold is equipped with a device to securely attach the wheel to the scaffold;

(b) where vertical adjusting devices are required, they are securely attached to the scaffold; and

(c) each rolling scaffold is secured against inadvertent movement while a worker is on the scaffold.

(4) An employer or contractor shall ensure that a scaffold erected on a movable platform is securely fastened to that platform.

(5) An employer or contractor shall not require or permit a worker to remain on a rolling scaffold while the scaffold is being moved unless:

(a) the height of the work platform does not exceed twice the shortest base dimension of the scaffold;

(b) the route to be travelled by the rolling scaffold has been thoroughly examined and found to be free of any condition that could cause the rolling scaffold to tilt or otherwise go out of control; and

(c) a work platform fills the entire area enclosed by the scaffold structure.

4 Oct 96 cO-1.1 Reg 1 s188.

Shinglers' roofing scaffold

189(1) Where a shingler's roofing scaffold is used, an employer or contractor shall ensure that:

(a) the scaffold is designed, constructed, installed and maintained to support the loads that may be applied to the scaffold;

(b) the scaffold is provided with effective non-slipping devices; and

(c) the scaffold platform is at least 38 by 140 millimetres.

(2) The employer or contractor shall develop and implement work practices and procedures for the safe use of any shingler's roof scaffold.

4 Oct 96 cO-1.1 Reg 1 s189.

Crawl boards, roof ladders

190 An employer, contractor or owner shall ensure that a crawl board or roof ladder used for roof work is securely fastened to the roof.

4 Oct 96 cO-1.1 Reg 1 s190.

Prohibition

191 Except as provided in sections 192 and 194, an employer or contractor shall ensure that no worker is raised or lowered by, or works on, a platform or load suspended from powered mobile equipment.

4 Oct 96 cO-1.1 Reg 1 s191.

Aerial devices and elevating work platforms

192(1) An employer or contractor shall ensure that:

(a) an aerial device, elevating work platform or personnel lifting unit is designed, constructed, erected, operated and maintained in accordance with an approved standard; or

(b) a professional engineer has certified that:

(i) an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are safe for the purpose of raising workers and loads; and

(ii) the components of an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are designed in accordance with an approved standard.

(2) An employer or contractor shall not require or permit a worker to be raised or lowered by any aerial device or elevating work platform or to work from a device or platform held in an elevated position unless:

(a) there is an adequate and suitable means of communication between the worker operating the controls and the worker raised on the platform, if they are not the same person;

(b) the elevating mechanism is designed so that, if any failure of the mechanism occurs, the platform will descend in a controlled manner so that no worker on the platform will be endangered;

(c) the controls are designed so that the platform will be moved only when direct pressure is applied to the controls;

(d) the drive mechanism of any operation for moving the platform is positive and does not rely on gravity;

(e) road traffic conditions, environmental conditions, overhead wires, cables and other obstructions do not create a danger to the worker;

(f) the brakes of the aerial device or elevating work platform are engaged, except when operated in accordance with manufacturer's recommendations;

(g) if the aerial device or elevating work platform is equipped with outriggers, the outriggers are set;

(h) pursuant to clause (i), the worker is provided with and is required to use a personal fall arrest system that meets the requirements of Part VII; and

(i) the aerial device or elevating work platform is equipped with a lanyard attachment point that is:

(i) designed and constructed to an approved standard; or

(ii) certified as safe by a professional engineer and installed and used in accordance with that design.

(3) Notwithstanding any other provision in this section but subject to section 465, an employer or contractor shall not require or permit a worker working on an exposed energized high voltage electrical conductor to work from an aerial device or elevating work platform unless the controls are operated by the worker on the device or platform.

(4) Where a worker leaves an aerial device or elevating work platform parked or unattended, an employer or contractor shall ensure that the device or platform:

(a) is locked or rendered inoperative; or

(b) is fully lowered and retracted with all hydraulic systems in the neutral position or incapable of operating by moving the controls.

(5) An employer or contractor shall ensure that:

(a) a worker who operates an aerial device or elevating work platform is trained to operate the device or platform safely; and

(b) the training includes the manufacturer's instructions and recommendations, the load limitations, the proper use of all controls and any limitations on the surfaces on which the device or platform is designed to be used.

(5.1) An employer or contractor shall ensure that, while a worker is on a work platform mounted on a forklift and the forklift is in the raised position, the operator:

(a) remains at the controls; and

(b) does not drive the forklift.

(6) An employer or contractor shall ensure that the manufacturer's operating manual for the aerial device or elevating work platform is kept with the device or platform at all times.

4 Oct 96 cO-1.1 Reg 1 s192; 10 Aug 2007 SR 67/2007 s20.

Maintenance and inspection

193(1) An employer, contractor, owner or supplier shall ensure that only competent persons maintain and inspect an aerial device, elevating work platform, suspended powered platform, personnel lifting unit or scaffold to which section 177 applies.

(2) An employer, contractor, owner or supplier shall ensure that a maintenance and inspection record tag:

(a) is provided for an aerial device, elevating work platform, suspended powered scaffold, personnel lifting unit or scaffold to which section 177 applies, and is attached to the device, platform, unit or scaffold near the operator's station; and

(b) has the following recorded on it:

(i) the date of the last maintenance;

(ii) the name and signature of the person who performed the maintenance; and

(iii) an indication that the maintenance has been carried out in accordance with the manufacturer's recommendations.

4 Oct 96 cO-1.1 Reg 1 s193.

Forklifts

194(1) An employer or contractor shall ensure that no worker is raised or lowered by, or required or permitted to work on, a forklift or any device mounted on a forklift except as provided by this section.

(2) An employer or contractor shall ensure that a work platform mounted on a forklift on which a worker may be raised or lowered or required or permitted to work is:

(a) designed and constructed to an approved standard or designed and constructed and certified safe for use by a professional engineer to support safely the maximum load that the platform is expected to support;

(b) securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform;

(c) equipped with guardrails and toeboards that meet the requirements of sections 122 and 123; and

(d) equipped with a screen or similar barrier along the edge of the platform adjacent to the mast of the forklift to prevent a worker from contacting the mast drive mechanism.

(3) The employer or contractor shall ensure that a worker working from a work platform mentioned in subsection (2) uses a personal fall arrest system that meets the requirements of Part VII.

(4) An employer or contractor shall comply with the requirements mentioned in section 167.

4 Oct 96 cO-1.1 Reg 1 s194; 10 Aug 2007 SR 67/2007 s21.

Temporary supporting structures

195(1) An employer or contractor shall ensure that a temporary supporting structure is designed and constructed to withstand safely all loads that the structure is intended, or may reasonably be anticipated, to support.

(2) Without limiting the generality of subsection (1), an employer or contractor shall meet the requirements of subsection (3) where a temporary supporting structure consists of:

(a) shoring that is more than 3.6 metres high; or

(b) members that are connected to one another so that a load applied to any member of the structure may alter the stresses induced in the other members.

(3) An employer or contractor shall ensure that:

(a) a temporary supporting structure mentioned in subsection (2):

(i) is designed by a professional engineer;

(ii) is inspected by a professional engineer after assembly and before use; and

(iii) is certified by a professional engineer to be safe; and

(b) all the drawings and other instructions necessary to construct and use the temporary supporting structure safely are kept at the worksite.

(4) An employer or contractor shall ensure that a scaffold constructed as an integral part of a temporary supporting structure is designed and certified to be safe by a professional engineer.

4 Oct 96 cO-1.1 Reg 1 s195.

Flyform deck panels

196(1) In addition to the requirements of section 195, an employer or contractor shall ensure that:

(a) all drawings and written procedures that are necessary to safely assemble, fly, use, dismantle or re-use a flyform deck panel are kept at the worksite for reference by workers;

(b) the workers are instructed in and comply with the procedures mentioned in clause (a);

(c) a flyform deck panel is securely attached to the permanent structure or to an adjacent panel; and

(d) the attachments mentioned in clause (c) are completed and made secure before the flyform deck panel is detached from the hoist used to position the panel.

(2) The drawings and procedures mentioned in clause (1)(a) must include:

(a) the plan view, the longitudinal section and the cross-section of the panel;

(b) the calculated position of the centre of gravity of the panel;

(c) the step-by-step procedures for all phases of assembly, flying, use, dismantling, repair and re-use of the panel;

(d) procedures for ensuring stability, if the panel is inherently unstable;

(e) procedures for application of the panel on a non-typical floor; and

(f) any other instructions that are necessary to ensure the safety of workers.

4 Oct 96 cO-1.1 Reg 1 s196.

Erection of masonry wall

197 An employer or contractor shall ensure that a temporary supporting structure used to stabilize a masonry wall during the erection of the wall is not removed until the wall has been permanently stabilized.

4 Oct 96 cO-1.1 Reg 1 s197.

Erection of skeleton structure

198(1) Where structural members of a skeleton structure or concrete sections of a structure are to be erected, an employer or contractor shall ensure that the design includes safe procedures for erecting the members or sections.

(2) An employer or contractor shall ensure that:

(a) the design and safe procedures for erecting the members or sections required by subsection (1) are certified as safe by a professional engineer; and

(b) all the necessary drawings and instructions to erect the structure safely are kept at the worksite.

(3) An employer or contractor shall ensure that the workers are instructed in and follow the safe procedures required by subsection (1).

(4) Where the procedures mentioned in subsection (1) have to be modified, an employer or contractor shall ensure that:

(a) the modified procedures are certified by a professional engineer; and

(b) the drawings showing the modified procedures are available at the worksite.

(5) An employer or contractor shall ensure that a competent supervisor is present on the worksite while the erection of a skeleton structure is in progress until the structure has been permanently stabilized.

4 Oct 96 cO-1.1 Reg 1 s198.

PART XIII
Hoists, Cranes and Lifting Devices

Interpretation

199 In this Part:

(a) **"anti two block warning device"** means a device that warns the worker that continued upward movement of the load line may cause the load block to strike the upper sheaves;

(b) **"boom"** means a member that is attached to a crane superstructure and used to support the upper end of the hoisting tackle;

(c) **"crane"** means equipment that is designed to lift, lower and move loads horizontally and that consists of a rotating superstructure, operating machinery and a boom;

(d) **"designated operator"** means a worker designated pursuant to clause 204(2)(a) to operate a hoist, crane or lifting device;

(e) **"jib"** means an extension to a boom that is attached to the boom tip to provide additional boom length;

(f) **"lifting device"** means a device that is used to raise or lower material or an object, but does not include a crane or hoist;

(g) **"load rating"** means the maximum loads that may be lifted or lowered safely at a series of stated configurations under a series of stated conditions;

(h) **"material hoist"** means a hoist that is designed to raise and lower equipment or material and that has a load-carrying unit that moves within fixed guides, but does not include a hoist that is designed to raise or lower workers;

(i) **"mobile crane"** means a crane mounted on a truck, wheel or crawler base that can move freely under the crane's own power without being restricted to a predetermined path;

(j) **"rated load"** means the maximum load that may be lifted or lowered safely using a particular configuration under the conditions existing at the time of the lifting or lowering operation;

(k) **"tower crane"** means a crane that is mounted on a tower and that can rotate about the axis of the tower;

(l) **"tower hoist"** means a hoist with a tower that forms an integral part of the supporting structure and a load-carrying unit that travels between fixed guides.

4 Oct 96 cO-1.1 Reg 1 s199; 31 Jan 97 SR 6/97 s9.

Application of Part

200 This Part applies to hoists, cranes and lifting devices other than hoists, cranes and lifting devices that are governed by *The Passenger and Freight Elevator Act* or *The Mines Regulations*.

4 Oct 96 cO-1.1 Reg 1 s200.

General requirements

201(1) An employer or contractor shall ensure that every hoist, crane and lifting device, including all rigging, used at a place of employment is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist, crane, lifting device or rigging is used.

(2) A supplier shall ensure that every hoist, crane and lifting device, including all rigging, supplied for use at a place of employment is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist, crane, lifting device or rigging is intended to be used.

4 Oct 96 cO-1.1 Reg 1 s201.

Adoption of standards

202(1) An employer or contractor shall ensure that all hoists, cranes and lifting devices manufactured on and after the day on which these regulations come into force are constructed, inspected, tested, maintained and operated in accordance with an approved standard.

(2) A supplier shall ensure that all hoists, cranes and lifting devices manufactured on and after the day on which these regulations come into force are constructed, inspected, tested and maintained in accordance with an approved standard.

4 Oct 96 cO-1.1 Reg 1 s202.

Load ratings

203(1) An employer or contractor shall ensure that a hoist, crane or lifting device is provided with a durable and clearly legible indication of the load rating that is readily accessible to the operator at the control station.

(2) A supplier shall ensure that the indication of the load rating of a hoist, crane or lifting device contains:

(a) all appropriate load ratings for the hoist, crane or lifting device;

(b) any applicable warning that no allowance is made in the load ratings for such factors as the effects of swinging loads, tackle weight, wind, degree of machine level, ground conditions, inflation of tires and operating speeds; and

(c) any applicable restrictions to operating in low temperatures.

4 Oct 96 cO-1.1 Reg 1 s203.

Designated operator

204(1) In this section:

(a) **"competent operator"** means a worker who has successfully completed a training program that includes all of the elements set out in Table 16 of the Appendix for the crane that the worker will be required or permitted to operate or is completing the practical training required by Part II of Table 16 under the direct supervision of a competent operator or a qualified operator;

(b) **"qualified operator"** means:

(i) the holder of a journeyman's certificate in the crane and hoist operator trade issued pursuant to *The Apprenticeship and Trade Certification Act*;

(ii) the holder of a proficiency certificate in a subtrade of the crane and hoist operator trade issued pursuant to *The Apprenticeship and Trade Certification Act*;

(iii) an apprentice in the crane and hoist operator trade who is working under the direction of a person described in subclause (i) or (ii); or

(iv) any other worker who:

(A) has received training, and has experience, in the safe operation of a crane that, in the opinion of the director, is equivalent to or superior to the training and experience of a person mentioned in subclause (i), (ii) or (iii); or

(B) is a member of a category of workers whose training and experience in the safe operation of a crane, in the opinion of the director, is equivalent to or superior to the training and experience of a person mentioned in subclause (i), (ii) or (iii).

(2) Subject to subsections (3), (4) and (5), an employer or contractor shall:

(a) designate a worker to operate a hoist, crane or lifting device;

(b) ensure that the designated operator is trained in the operation of that hoist, crane or lifting device; and

(c) ensure that no worker operates a hoist, crane or lifting device other than a designated operator.

(3) Subject to subsection (4), on and after July 1, 1997, an employer or contractor shall ensure that the designated operator is a qualified operator where the crane to be operated is:

(a) a tower crane;

(b) an overhead travelling crane that has a load rating equal to or greater than 50 tonnes;

(c) a crane that is used to raise or lower a worker on a personnel-lifting unit suspended from a hoist line; or

(d) a mobile crane that has a load rating greater than five tonnes.

(4) Subsection (3) does not apply to a crane that is:

(a) mounted on a vehicle and used exclusively to load or unload that vehicle; or

(b) owned by an employer, operated by a worker in the service of that employer and used solely at that employer's place of employment to perform work exclusively for that employer.

(5) On and after July 1, 1997, in any circumstances other than those described in subsection (3), an employer or contractor shall ensure that:

(a) for any crane with a load rating greater than or equal to five tonnes, the designated operator is a competent operator; and

(b) for any mobile or overhead travelling crane with a load rating less than five tonnes, the designated operator is a competent worker.

(6) No worker shall operate a hoist, crane or lifting device unless the worker is a designated operator and has been trained in the operation of that hoist, crane or lifting device.

(7) No worker shall operate a crane unless the worker:

(a) has written proof of training in the operation of any crane that the worker will be required or permitted to operate; and

(b) has that written proof of training readily accessible at all times while the worker is operating the crane.

4 Oct 96 cO-1.1 Reg 1 s204; 31 Jan 97 SR 6/97 s10.

Operating procedures

205(1) Subject to subsection (2), an employer or contractor shall ensure that:

(a) a copy of the manufacturer's operating manual for a hoist or crane is readily accessible to the operator; and

(b) an operator of a hoist or crane is thoroughly trained in and implements the manufacturer's recommended operating procedures.

(2) Where the manufacturer's manual for a hoist or crane cannot be obtained, an employer or contractor shall develop an operating manual for the hoist or crane and ensure that:

(a) a copy of the operating manual is readily accessible to the operator; and

(b) an operator of the hoist or crane is thoroughly trained in and implements the operating procedures set out in the operating manual.

4 Oct 96 cO-1.1 Reg 1 s205.

Rated load

206(1) An employer or contractor shall not require or permit the operator of a hoist, crane or lifting device to raise any load that is greater than the rated load determined by the manufacturer of the equipment or a professional engineer for the conditions in which the equipment is to be operated.

(2) An employer or contractor shall not require or permit the operator of a hoist, crane or lifting device to use the hoist, crane or lifting device to raise or lower workers unless the load applied to the hoist, crane or lifting device is less than one-half of the rated load as determined pursuant to subsection (1).

(3) An operator of a hoist, crane or lifting device shall not raise a load unless:

(a) the operator has determined the accurate weight of the load; and

(b) the load is less than the rated load for the operating conditions.

4 Oct 96 cO-1.1 Reg 1 s206.

Raising and lowering workers

207(1) Where a crane or hoist will be used to raise or lower workers, the employer or contractor shall:

(a) develop and implement work practices and procedures that will provide for the safe raising and lowering of the workers;

(b) train the workers in those work practices and procedures;

(c) ensure that the hoisting equipment and personnel lifting unit are inspected by a competent person before use and daily when in use; and

(d) ensure that the competent person records the details of the inspection in the log book.

(2) An employer or contractor shall not require or permit the operator of a crane or hoist to use the crane or hoist to raise or lower workers unless:

(a) the personnel lifting unit meets the requirements of subsection 192(1);

(b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment;

(c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment mentioned in clause (b);

(d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and

(e) workers in the personnel lifting unit use a full-body harness attached to the personnel lifting unit.

(3) An operator of a crane or hoist shall not use the crane or hoist to raise or lower workers unless:

(a) the personnel lifting unit meets the requirements of section 192;

(b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment;

(c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment mentioned in clause (b);

(d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and

(e) workers in the personnel lifting unit use fall-arrest protection attached to the personnel lifting unit.

4 Oct 96 cO-1.1 Reg 1 s207; 10 Aug 2007 SR 67/2007 s22.

Determining weight of load

208(1) An employer or contractor shall provide the operator of a hoist, crane or lifting device with all the information necessary to enable the operator to determine readily and accurately the weight of any load that the operator is required or permitted to raise.

(2) An employer or contractor shall provide a permanent load gauge for a mobile crane that may be used for load ratings of nine tonnes or greater at the minimum operating radius.

(3) A permanent load gauge required by subsection (2) must measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.

(4) Subsection (2) does not apply to cranes that:

(a) use a device suspended by a wire rope to demolish a structure;

(b) use a magnet to raise or lower a load; or

(c) use a clam-style load carrier to move material.

(5) An employer or contractor shall not require or permit a worker to use a crane mentioned in subsection (2) unless the crane is equipped with a permanent load gauge that will measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.

(6) An employer or contractor shall ensure that:

(a) a worker who is required or permitted to use a crane equipped with a permanent load gauge is trained in the safe use and limitations of the permanent load gauge; and

(b) the permanent load gauge is regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions.

4 Oct 96 cO-1.1 Reg 1 s208.

Overload switches

209(1) An employer, contractor or supplier shall ensure that a tower crane is equipped with:

(a) both:

(i) an overload limit switch that causes the hoist drum to stop when the load being hoisted exceeds the maximum rated load for any radius or boom angle or when the overturning moment exceeds the rated load moment; and

(ii) a moment overload switch that automatically restricts the radius within which the load can travel; or

(b) a permanent load gauge.

(2) An employer or contractor shall not require or permit a worker to use a tower crane unless:

(a) the crane is equipped with the overload limit switch and moment overload switch required by clause (1)(a) or the permanent load gauge required by clause (1)(b);

(b) the worker is trained in the safe use and limitations of the overload limit switch and the moment overload switch or the permanent load gauge; and

(c) the overload limit switch and moment overload switch or the permanent load gauge are regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions.

4 Oct 96 cO-1.1 Reg 1 s209.

Designated signaller

210(1) An employer or contractor shall designate a signaller pursuant to section 132 where the operator of a hoist or crane does not have a clear, unobstructed view of any of the following throughout the whole range of movement of the load or hook:

(a) the pick-up point;

(b) the setting point and the load;

(c) the hook, if there is no load.

(2) Before a hoisting operation begins, an employer or contractor shall ensure that the operator of the hoist or crane reviews with the designated signaller the signals to be used.

(3) Where a hand signal is to be used in connection with a hoist or crane, an employer or contractor shall ensure that the signal used is the signal that is appropriate for the activity to be carried out and that is set out in an approved standard.

(4) An operator of a hoist or crane and a designated signaller shall use the signal set out in the standard mentioned in subsection (3) that is appropriate for the activity to be carried out.

4 Oct 96 cO-1.1 Reg 1 s210.

General requirements for cranes and hoists

211(1) An employer, contractor or supplier shall ensure that a crane is equipped with an effective warning device that can be readily activated by the operator and that is adequate to warn workers of the impending movement of the crane.

(2) An employer, contractor or supplier shall ensure that a crane that has a boom is equipped with:

(a) positive boom stops to prevent inadvertent movement of the boom;

(b) a boom stop limit device to prevent the boom from being drawn back beyond a predetermined safe boom angle identified by the manufacturer;

(c) a jib stop device to prevent the jib from being drawn back beyond the safe boom angle identified by the manufacturer, where a jib is attached to the boom; and

(d) a boom angle indicator that is clearly visible to the operator while seated at the control station.

(3) On and after January 1, 1998, an employer, contractor or supplier shall ensure that a crane is equipped with an anti two block warning device where the crane will be used to hoist workers on a personnel lifting unit or where the crane is a hydraulic crane with a rated load of nine tonnes or greater.

(4) An employer, contractor or supplier shall ensure that a hoist or crane that operates on rails, tracks or other guides is fitted with:

(a) a positive stop or limiting device installed on the hoist or crane or on the rails, tracks or other guides to prevent the hoist or crane from over-running safe limits or contacting other equipment that is on the same rail, track or other guide;

(b) sweepguards installed to prevent materials on the rail, track or other guide from causing dislodgment of the hoist or crane; and

(c) stops to prevent the crane or hoist from dropping more than 2.5 centimetres if the axle breaks.

(5) Where a worker leaves a crane or hoist unattended or parked, an employer or contractor shall ensure that:

(a) the crane or hoist is stored in a manner that does not create a risk to any worker;

(b) the operating machinery is locked or rendered inoperative;

(c) the rigging and boom angle are secured; and

(d) a mobile crane is stored on level ground with the wheels locked or chocked.

4 Oct 96 cO-1.1 Reg 1 s211.

Hoists, cranes with outriggers, etc.

212 Where a hoist or crane is designed to be operated with outriggers or other stabilizing devices, an employer or contractor shall ensure that:

(a) the outriggers or other stabilizing devices:

(i) are used according to the manufacturer's instructions;

(ii) are set on a solid footing or pad; and

(iii) have their controls, if any, readily accessible to the operator and in a suitable position for safe operation;

(b) the area around the outriggers or other stabilizing devices is kept free of obstruction;

(c) there is a minimum clearance of at least 600 millimetres between any moving part of the crane and any obstacle near the base of the hoist or crane; and

(d) where there is a danger of a worker being trapped or crushed by any moving part of the crane when the crane swings, the area around the base of the crane is barricaded to restrict the entry of workers.

4 Oct 96 cO-1.1 Reg 1 s212.

Operators' cabs on tower cranes

213 Where an operator's cab is to be attached to the boom or jib of a tower crane, an employer, contractor or supplier shall ensure that the cab is designed, positioned and attached in accordance with the specifications of the manufacturer of the crane or a professional engineer.

4 Oct 96 cO-1.1 Reg 1 s213.

Erecting and dismantling

214(1) Subject to subsection (4), an employer or contractor shall develop a written procedure for safely erecting and dismantling a hoist or crane.

(2) The written procedure required by subsection (1) must include the safe blocking of any mast, boom or jib and the number and qualifications of workers required to implement the procedure.

(3) An employer or contractor shall ensure that the erecting and dismantling of a hoist or crane is carried out in accordance with the written procedure required by subsection (1).

(4) An employer or contractor may use the manufacturer's instructions for erecting or dismantling a hoist or crane if the instructions contain the requirements set out in subsection (2).

4 Oct 96 cO-1.1 Reg 1 s214.

Log book

215(1) An employer or contractor shall:

(a) provide a log book for each hoist and crane with a rated load greater than five tonnes and ensure that the log book is kept readily available;

(b) provide a copy of the log book to the operator on request;

(c) ensure that the hours of service of the hoist or crane and all details of any inspection, maintenance or calibration required by this Part are recorded in the log book;

(d) ensure that each entry required by clause (c) is signed by the person who performs the inspection, maintenance or calibration; and

(e) review and sign the log book on a regular basis.

(2) Where the supplier of a hoist or crane provides a log book, an employer or contractor shall ensure that the information and signatures required by subsection (1) are recorded in the supplier's log book instead of the employer's or contractor's log book and that the supplier's log book is kept with the hoist or crane.

4 Oct 96 cO-1.1 Reg 1 s215.

Inspections

216(1) An employer, contractor or supplier shall ensure that a hoist, crane or lifting device is inspected by a competent person to determine whether the hoist, crane or lifting device is in safe working condition:

(a) before the hoist, crane or lifting device is used at the start of each work shift; and

(b) at regular intervals as recommended by the manufacturer.

(2) Where a defect or unsafe condition that may create a hazard to a worker is found in a hoist, crane, lifting device or rigging, an employer, contractor or supplier shall:

(a) take steps immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(b) as soon as is reasonably practicable, repair any defect or correct any unsafe condition.

(3) An employer, contractor or supplier shall ensure that a mobile crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer every two years or 1,800 hours of operation, whichever comes first.

(4) An employer, contractor or supplier shall ensure that a tower crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer:

(a) before erection at each site; and

(b) at subsequent intervals of 2,000 operating hours or one year, whichever occurs first.

(5) No worker shall operate a crane or cause a crane to be operated unless a copy of the results of the testing or inspection required by subsection (3) or (4) is readily available or is on site.

4 Oct 96 cO-1.1 Reg 1 s216.

Repairs

217(1) Where the inspection of a hoist, crane or lifting device reveals a condition that might render the equipment unsafe or incapable of raising the rated load mentioned in subsection 206(2), an employer, contractor or supplier shall not require or permit the use of the equipment until any necessary repairs are completed.

(2) An employer, contractor or supplier shall ensure that a structural repair or modification to a component of a hoist or crane is performed only under the direction and control of a professional engineer.

(3) Before a hoist or crane is used after a structural repair or modification, an employer, contractor or supplier shall ensure that:

(a) the equipment is tested under the direction of a professional engineer; and

(b) a professional engineer has determined the rated load of the repaired or modified hoist or crane and has certified that the hoist or crane is capable of safely raising the new rated load.

(4) Where the rated load of a hoist or crane after repair or modification differs from the rated load before repair or modification, an employer, contractor or supplier shall ensure that a new indication of load rating is provided pursuant to section 203.

4 Oct 96 cO-1.1 Reg 1 s217.

Friction type hoists

218 On a construction site, an employer or contractor shall ensure that no material is hoisted vertically by a rope driven by friction between the rope and a powered surge wheel or drum unless the hoist is equipped with:

(a) a safety device that will prevent a free fall of the load; and

(b) an emergency stop device.

4 Oct 96 cO-1.1 Reg 1 s218.

Material hoists

219(1) Where a material hoist is in use, an employer or contractor shall ensure that:

(a) no worker is required or permitted to ride on the hoist; and

(b) no load projects beyond the edges of the load-carrying unit.

(2) If the controls of a material hoist are not remote from the hoist, an employer or contractor shall ensure that an adequate overhead barrier is provided to protect the operator.

(3) An employer or contractor shall ensure that:

(a) the braking systems on a material hoist are capable of stopping 150% of the rated load mentioned in subsection 206(1) at the maximum speed;

(b) the area around the base of a material hoist is fenced or otherwise barricaded to prevent the entry of workers, and that no worker is required or permitted to enter that area except when the load-carrying unit is at the lowest level; and

(c) a landing gate is installed:

(i) on any landing served by the material hoist; and

(ii) not less than 600 nor more than 900 millimetres from the edge of the landing.

(4) An operator of a material hoist shall not:

(a) leave the controls while the load-carrying unit is in the raised position;

(b) operate the hoist while a landing gate is open; or

(c) move a load-carrying unit until the operator is informed by signal that the load-carrying unit can be moved safely.

(5) An employer or contractor shall ensure that:

(a) the operator of a material hoist and a designated signaller at a landing where loading or unloading is carried on are able to maintain visual or audible communication with each other at all times during loading or unloading; and

(b) a material hoist that is, or is designed to be, over 20 metres high is equipped with a signal system that will:

(i) allow voice communication between a worker at any landing and the operator; and

(ii) inform the operator of the landing from which a signal originates.

(6) An employer or contractor shall ensure that a power driven material hoist is equipped with a safety device that will stop and hold the load-carrying unit if the hoist rope or braking system fails.

4 Oct 96 cO-1.1 Reg 1 s219.

Tower hoists

220(1) Where a tower hoist is used, an employer or contractor shall ensure that:

(a) the pulley block is securely anchored and the ropes from the pulley to the hoisting engine are enclosed; and

(b) at each landing, the hoist is equipped with landing gates and devices that will prevent:

(i) movement of the load-carrying unit when a landing gate is open; and

(ii) opening of a landing gate when the load-carrying unit is not standing at that landing.

(2) Where a tower hoist is not erected inside a structure, an employer or contractor shall ensure that the hoist:

(a) is enclosed on all sides except the landing side by solid walls or equally effective fencing from ground level to a height of not less than two metres; and

(b) is adequately braced or guyed to prevent sway or movement.

(3) Where a tower hoist is erected inside a structure, an employer or contractor shall ensure that:

(a) the hoist is enclosed on all sides except the landing side at the ground level and at each floor level by solid walls or equally effective fencing from ground or floor level to a height of not less than two metres;

(b) each point of access to the hoist is conspicuously marked by a warning sign; and

(c) the hoist structure is adequately supported at vertical intervals not exceeding six metres.

4 Oct 96 cO-1.1 Reg 1 s220.

Roofers' hoists

221(1) Where a roofer's hoist is used, an employer or contractor shall ensure that:

(a) all counterweights on the hoist:

(i) are designed as an integral part of the hoist;

(ii) remain securely attached to the hoist at all times that hoisting is in progress; and

(iii) are designed to exert an opposing moment that is equal to at least four times the moment exerted by the maximum rated load; and

(b) any part or section of the hoist that may become disconnected is equipped with suitable locking devices.

(2) An employer or contractor shall not require or permit a worker to use roofing material as a counterweight on a roofer's hoist.

(3) An employer or contractor shall ensure that a roofer's hoist is used only to perform vertical lifts.

(4) An employer or contractor shall ensure that no worker is required or permitted to use a wooden gallows frame roofer's hoist.

4 Oct 96 cO-1.1 Reg 1 s221.

Vehicle hoists

222(1) In this section, **"lock"** means to fix the controls of a hoist in one position by any mechanical means.

(2) An employer or contractor shall ensure that a pneumatic or hydraulic vehicle hoist is equipped with clearly marked controls that raise or lower the hoist only when a worker is applying pressure to the controls.

(3) An employer or contractor shall ensure that no worker is required or permitted:

(a) during raising or lowering of the hoist, to lock the controls mentioned in subsection (2); or

(b) to work or be under a raised vehicle or trailer unless the vehicle or trailer is supported by:

(i) a vehicle hoist that is designed to safely support the weight of the vehicle or trailer; or

(ii) substantial stands or blocks and, where necessary, wheel chocks.

(4) For the purposes of subclause (3)(b)(ii), jacks alone are not sufficient.

(5) An employer or contractor shall ensure that all pneumatic or hydraulic vehicle hoists are assembled, installed, operated and maintained according to the manufacturer's instructions.

4 Oct 96 cO-1.1 Reg 1 s222.

Hand-operated hoists

223(1) An employer or contractor shall ensure that a hand-operated hoist purchased on or after January 1, 1997 is designed, constructed, installed, operated and maintained in accordance with an approved standard.

(2) An employer, contractor or supplier shall ensure that a hand-operated hoist is equipped with a spring actuated or weighted ratchet and pawl, load brake or other mechanism that will stop and hold the load at any height desired by the operator.

(3) An employer or contractor shall not require or permit a worker to work under a load raised by a hand-operated hoist unless the load is supported with adequate stands or blocks.

4 Oct 96 cO-1.1 Reg 1 s223.

Winches

224(1) An employer or contractor shall inspect all manually-operated hoisting or winching equipment thoroughly at appropriate intervals to ensure that the manually-operated hoisting or winching equipment is capable of safe operation.

(2) Before a worker operates a winch on a vehicle, the worker shall ensure that the brakes are applied or other effective means are taken to prevent movement of the vehicle.

(3) A worker who operates a vehicle on which a winch is in use shall not move the vehicle until the winch operator has given a signal that the vehicle can be moved safely.

(4) An employer or contractor shall not require or permit a worker to cross over or under a winch cable between a winch and the load or to go underneath the load while a winch is in use.

4 Oct 96 cO-1.1 Reg 1 s224.

A-frames and gin poles

225 An employer or contractor shall ensure that:

(a) no A-frame or gin pole is inclined more than 45° from the vertical;

(b) an A-frame or gin pole is restrained from uncontrolled lateral and vertical movement; and

(c) the sheave and the cable keeper of an A-frame or gin pole are attached securely enough to withstand any load to which the assembly may be subjected.

4 Oct 96 cO-1.1 Reg 1 s225.

Pile-driving equipment

226(1) An employer or contractor shall ensure that:

(a) pile-driving equipment is operated, inspected and maintained according to the manufacturer's instructions; and

(b) any structural repairs or modifications to pile-driving equipment are made under the direction of a professional engineer and certified as safe by the professional engineer before the pile-driving equipment is put in service.

(2) Where pile-driving equipment is used, an employer or contractor shall ensure that a brake band or clutch that is contaminated by oil or grease is dismantled and cleaned or replaced before further use.

(3) An employer or contractor shall ensure that:

(a) before a pile is placed in position for driving, the pile head is cut square and, in the case of a timber pile, cleaned free of debris, bark and splintered wood; and

(b) workers are adequately protected from injury that may be caused by the failure of a pile being driven.

(4) An employer or contractor shall not require or permit a worker who works with pile-driving equipment:

(a) to remain or ride on a load being moved;

(b) to work, stand or pass under a suspended load; or

(c) to be on the superstructure of the equipment or within range of a falling pile unless the worker is directly involved in the operation of hoisting piles.

(5) Where a worker uses pile-driving equipment, an employer or contractor shall ensure that:

(a) a pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and

(b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile.

(6) Where pile-driving equipment is fitted with pressure hammers, an employer, contractor or supplier shall ensure that the hoses are equipped with safety chains or safety ropes on the pressure side of the hose connections.

(7) An employer or contractor shall ensure that:

(a) crane booms used with vibratory hammers or vibratory pile extractors are inspected monthly by a competent person for structural defects; and

(b) any structural defects found pursuant to clause (a) are repaired under the direction of a professional engineer and certified as safe by the professional engineer before the booms are put back into service.

(8) An operator of pile-driving equipment shall ensure that:

(a) the pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and

(b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile.

4 Oct 96 cO-1.1 Reg 1 s226.

PART XIV
Rigging

Interpretation

227 In this Part:

(a) **"pendant"** means a fixed-length rope that forms part of a boom-suspension system;

(b) **"rigging"** means any combination of rope, wire rope, cable, chain, sling, sheave, hook and associated fittings used in a hoisting operation.

4 Oct 96 cO-1.1 Reg 1 s227.

General requirements

228 An employer or contractor shall ensure that:

(a) all rigging is assembled, used, maintained and dismantled under the supervision of a competent worker and in accordance with the manufacturer's specifications and instructions; and

(b) any worker who is required or permitted to assemble, use, maintain or dismantle rigging is trained in safe rigging practices.

4 Oct 96 cO-1.1 Reg 1 s228.

Inspection

229 An employer or contractor shall ensure that all rigging and components of rigging are inspected thoroughly at appropriate intervals and visually inspected before use to ensure that the rigging and rigging components will safely perform the intended function of the rigging and rigging components.

4 Oct 96 cO-1.1 Reg 1 s229.

Maximum loads

230(1) An employer or contractor shall ensure that no load is imposed on any rigging that is in excess of:

(a) 10% of the breaking strength of the weakest part of the rigging, in the case of rigging used to raise or lower workers; and

(b) 20% of the breaking strength of the weakest part of the rigging, in the case of any other rigging.

(2) Subject to subsection (3), an employer, contractor or supplier shall ensure that the maximum load that may be hoisted by any rigging, as determined by the manufacturer of the rigging or a professional engineer, is conspicuously marked on the rigging.

(3) Where it is not practicable to conspicuously mark the maximum load on the rigging, an employer or contractor shall ensure that information about the maximum load that may be hoisted by the rigging is made readily available to the workers.

4 Oct 96 cO-1.1 Reg 1 s230.

Slings

231(1) An employer or contractor shall ensure that a sling used to hoist a load and the sling's fittings and attachments are:

(a) suitable for the intended use of the sling, fittings and attachments;

(b) suitable for, and capable of, supporting the load being hoisted;

(c) arranged to prevent the load or any part of the load from slipping or falling;

(d) arranged to ensure that the load is equally divided among the slings, when more than one sling is used;

(e) capable of supporting:

(i) at least 10 times the load to which the sling, fittings and attachments may be subjected, where they are used to support a worker; and

(ii) at least five times the maximum load to which the sling, fittings and attachments may be subjected, in any other case; and

(f) guarded to prevent damage to the sling, where the sling may be applied over a sharp edge.

(2) An employer, contractor or supplier shall ensure that a sling:

(a) is clearly labelled to indicate the sling's maximum load or the sling's maximum load is made readily available to workers; and

(b) is not used if the sling has been or may be damaged.

4 Oct 96 cO-1.1 Reg 1 s231.

Shackles

232(1) An employer or contractor shall ensure that no shackle is subjected to a load greater than the maximum load indicated on the shackle.

(2) An employer or contractor shall ensure that:

(a) all shackle pins are installed to prevent accidental withdrawal; and

(b) a bolt is never used in place of a properly fitted shackle pin.

4 Oct 96 cO-1.1 Reg 1 s232.

Sheaves, spools and drums

233(1) An employer or contractor shall ensure that:

(a) the diameter of a sheave, spool or drum for wire rope is not less than the diameter specified by the manufacturer of the rope and the rope is the correct size for the sheave, spool or drum over which the rope passes;

(b) the grooving of a sheave is the correct size for the diameter of rope; and

(c) a block or sheave is constructed or installed so that the rope cannot leave the block or sheave groove.

(2) An employer or contractor shall ensure that:

(a) rope fastened to a winding drum is fastened securely;

(b) the number of full wraps of rope that remain on a winding drum corresponds to the manufacturer's recommendations; and

(c) where there are no manufacturer's recommendations, at least five full wraps of rope remain on a winding drum at all times.

4 Oct 96 cO-1.1 Reg 1 s233.

Knots, wire rope clips

234(1) An employer or contractor shall ensure that:

(a) no knot or wire rope clip is used as a stopper on a rope or rope end that passes through a winding drum; and

(b) no knot is used to connect rigging hardware to a wire rope.

(2) An employer or contractor shall ensure that all wire rope clips are:

(a) made of drop-forged steel;

(b) installed according to the manufacturer's instructions; and

(c) inspected at frequent intervals to ensure the nuts are tight.

(3) Where U-bolt clips are used to fasten wire rope, an employer or contractor shall ensure that:

(a) the U-bolt is installed so that the U section bears on the short or dead end of the rope and the saddle bears on the long or live end of the rope;

(b) the nuts are correctly torqued; and

(c) the number of clips and the amount of rope turn-back conform to the manufacturer's specifications and instructions.

(4) Where double saddle or fist clips are used to fasten wire rope, an employer or contractor shall ensure that the clips are installed in numbers and with the amount of rope turn-back specified by the manufacturer.

(5) Where double base clips are used to fasten wire rope, an employer or contractor shall ensure that the clips are at least six rope diameters in length.

4 Oct 96 cO-1.1 Reg 1 s234.

Eye loops

235(1) An employer or contractor shall ensure that every eye loop used in a sling:

(a) is formed from:

(i) a flemish eye splice secured by a pressed steel ferrule; or

(ii) a steel wire loop secured by a cold-formed aluminum alloy ferrule; and

(b) is readily identifiable as being formed as described in clause (a).

(2) Except where otherwise specified by the manufacturer of the rope, an employer or contractor shall ensure that a suitable and properly sized thimble is inserted in an eye loop to increase the strength of the eye and decrease wear on the rope.

4 Oct 96 cO-1.1 Reg 1 s235.

Hooks

236(1) Where the dislodgment of a hook could injure a worker, an employer or contractor shall ensure that the hook is secured by a safety latch, mousing, shackle or other effective means, except where:

(a) skeleton steel is being hoisted or a similar operation is being performed while a sorting or grab hook is being used;

(b) power poles or telephone poles are being hoisted into place or removed using an approved S-hook;

(c) the design of the hook and the work practices used prevent dislodgement of the hook; or

(d) the health and safety of a worker disconnecting the hook would be placed at risk.

(2) An employer or contractor shall not require or permit a worker to use a hook where:

(a) the throat opening has been increased or the tip has been bent more than 10° out of plane from the hook body; or

(b) any dimension of the hook has been reduced by more than 10%.

(3) An employer or contractor shall not require or permit a worker to side load, back load or tip load a hook unless the hook has been specifically designed for that purpose.

(4) An employer, contractor or supplier shall ensure that:

(a) a hook is clearly labelled with the maximum load of the hook in a location where a worker using the hook can easily see the rating; or

(b) the hook's maximum load is made readily available to workers.

(5) An employer or contractor shall not require or permit a worker to allow a load to bear against a safety latch, mousing or shackle.

4 Oct 96 cO-1.1 Reg 1 s236.

Wedge sockets

237 Where a wedge socket is used to anchor a wire rope, an employer or contractor shall ensure that:

(a) the wedge socket is installed according to an approved method;

(b) the dead end of the wire rope extends at least 15 centimetres beyond the wedge socket; and

(c) the wire rope is fitted with a wire rope clip to prevent accidental release or loosening of the wedge.

4 Oct 96 cO-1.1 Reg 1 s237.

Wire rope

238(1) An employer or contractor shall ensure that wire rope used in rigging:

(a) is the type, size, grade and construction recommended by the manufacturer of the hoisting equipment or is rope of an equivalent type, size, grade and construction;

(b) is compatible with the sheaves and the drum of the hoisting equipment;

(c) is lubricated to prevent corrosion and wear;

(d) is not spliced or knotted; and

(e) is fitted with end connections that:

(i) conform to the manufacturer's specifications and instructions concerning number, size and installation method; and

(ii) are securely fastened to the wire rope.

(2) An employer or contractor shall ensure that no wire rope used in rigging:

(a) subject to subsection (3), contains six or more randomly-distributed wires that are broken in one rope lay, or three or more wires that are broken in one strand in a rope lay;

(b) is worn by more than one-third of the original diameter of the wire rope's outside individual wires; or

(c) shows evidence of:

(i) kinking, bird-caging, corrosion or other damage resulting in distortion of the rope structure; or

(ii) damage that may result in rope failure.

(3) An employer or contractor shall ensure that no wire rope that is static or that is used for pendants has:

(a) three or more broken wires in one lay or in a section between end connectors; or

(b) one or more broken wires at an end connector.

(4) An employer or contractor shall ensure that rotation-resistant wire rope is not used:

(a) as a cable in boom hoist reeving and pendants; or

(b) where an inner wire or strand of the wire rope is damaged or broken.

(5) An employer or contractor shall ensure that no load is imposed on any wire rope that exceeds the maximum load recommended by the manufacturer of the wire rope.

4 Oct 96 cO-1.1 Reg 1 s238.

Rotation or motion of load

239 Where a worker may be endangered by the rotation or motion of a load during hoisting, an employer or contractor shall ensure that:

(a) one or more taglines are used to control the rotation or motion of the load;

(b) the taglines are of sufficient length to protect the workers from any overhead hazard;

(c) the taglines are not removed from the load until the load is securely landed; and

(d) only workers directly engaged in the hoisting operation are allowed to be in the area where the load is being hoisted or lowered.

4 Oct 96 cO-1.1 Reg 1 s239.

PART XV
Robotics

Interpretation

240 In this Part:

(a) **"emergency stop"** means a circuit that uses hardware-based components to override all other robot controls, shut off energy to a robot and stop all moving parts of a robot;

(b) **"end-effector"** means an accessory device or tool specifically designed to be attached to a robot wrist or tool-mounting plate to enable the robot to perform the robot's intended task;

(c) **"interlock"** means an arrangement whereby the operation of one control or mechanism brings about, or prevents, the operation of another control or mechanism;

(d) **"interlock barrier"** means a physical barrier around a work envelope that is equipped with gates and interlocks designed to stop all automatic operations of a robot and robot system when any gate within the barrier is opened;

(e) **"limiting device"** means a device that restricts the distance a robot can travel after the limiting device is actuated;

(f) **"pendant"** means a portable control device that permits an operator to control a robot from within the work envelope of the robot;

(g) **"presence-sensing device"** means a device that is designed, constructed and installed to create a sensing field or area and that detects an intrusion into the field or area by workers, robots or other objects and stops all motion of the robot when the presence-sensing device is activated;

(h) **"restricted work envelope"** means the portion of a work envelope to which a robot is restricted by limiting devices that establish limits that cannot be exceeded if the robot or the robot's controls fail;

(i) **"robot"** means a reprogrammable multi-functional manipulator designed to move material, parts, tools or specialized devices through variable programmed motions to perform a variety of tasks;

(j) **"robot system"** means a robot and all the accessories required for the robot's operation, including end-effectors, pendants, devices, sensors, safeguards, power and control panels and communication interfaces to sequence and monitor the robot;

(k) **"slow speed"** means a mode of operation in which the speed of any part of a robot does not exceed 250 millimetres per second;

(l) **"teach"** means to generate and store a series of positional datapoints by moving a robot arm through a path of intended motions;

(m) **"work envelope"** means the volume of space enclosing the maximum designed reach of a robot, including the end-effector, and the material, part, tool or specialized device that the robot is designed to manipulate.

4 Oct 96 cO-1.1 Reg 1 s240.

Application of Part

241 This Part applies to the installation, operation, teaching and maintenance of robots and robot systems, but does not apply to personal robots, automatic guided vehicle systems, automated storage and retrieval systems, automatic conveyor and shuttle systems, mobile robots or numerically controlled machine tools.

4 Oct 96 cO-1.1 Reg 1 s241.

Safe work practices and procedures

242(1) An employer, in consultation with the committee, the representative or, where there is no committee or representative, the workers, shall:

(a) assess the potential hazards to a worker who is required or permitted to install, operate, teach or maintain a robot or robot system at the place of employment; and

(b) develop written safe work practices and procedures for the installation, operation, teaching and maintenance of robots and robot systems.

(2) An employer shall ensure that the workers are trained in and implement the safe work practices and procedures developed pursuant to clause (1)(b).

4 Oct 96 cO-1.1 Reg 1 s242.

General requirements

243 An employer shall ensure that robots and robot systems are:

(a) installed, anchored and wired in accordance with the manufacturer's recommendations and specifications; and

(b) compatible with conditions in the environment of the place of employment, including temperature, humidity, corrosive conditions, the presence of dust, the presence of electromagnetic interference or radiofrequency interference and other conditions that could affect the safe operation or control of the robot or robot system.

4 Oct 96 cO-1.1 Reg 1 s243.

Safeguards

244(1) Subject to subsection 245(2) and sections 246 and 247, an employer shall ensure that every robot and robot system is equipped with safeguards:

(a) to prevent a worker from entering the restricted work envelope while the robot or robot system is in motion; or

(b) to inhibit robot motion while any part of a worker's body is within the restricted work envelope while the robot or robot system is in motion.

(2) The safeguards required by subsection (1):

(a) may include interlock barriers, limiting devices and presence-sensing devices; and

(b) must include clearly visible line markings on the floor on which the robot or robot system is mounted to identify the restricted work envelope.

4 Oct 96 cO-1.1 Reg 1 s244.

Controls

245(1) Subject to subsection (2), an employer shall ensure that a robot's primary controls, including a restart control:

(a) are located outside the restricted work envelope;

(b) are arranged so that the robot and robot system are clearly visible to the worker who operates the primary controls; and

(c) cannot be activated inadvertently.

(2) Where a worker is required or permitted to enter the restricted work envelope, an employer shall ensure that the robot's motion cannot be initiated by any person other than the worker within the restricted work envelope using a pendant.

(3) An employer shall ensure that a worker who operates a robot or robot system is provided with a readily accessible emergency stop device.

(4) An employer shall ensure that the controls of a robot provide a slow speed option.

4 Oct 96 cO-1.1 Reg 1 s245.

Protection during maintenance or repair

246 Before a worker undertakes the maintenance or repair of a robot or robot system, an employer shall ensure that:

(a) the robot or robot system is locked out and remains locked out during that activity; or

(b) an equally effective procedure is implemented to protect the worker.

4 Oct 96 cO-1.1 Reg 1 s246.

Protection during teaching

247 Where a worker is required or permitted to teach a robot, an employer shall ensure that:

(a) only the worker who is teaching the robot is allowed to enter the restricted work envelope;

(b) the robot system is under the sole control of the worker who is teaching the robot;

(c) when the robot is under drive power, it operates at slow speed only or at a speed that is deliberately selected and maintained by the worker who is teaching the robot;

(d) the robot will not respond to a remote interlock or signal that would activate the robot; and

(e) the worker leaves the restricted work envelope before returning the robot to automatic operation.

4 Oct 96 cO-1.1 Reg 1 s247.

PART XVI
Entrances, Exits and Ladders

General duty re entrances, exits

248 An employer, contractor or owner shall provide and maintain a safe means of entrance to and exit from a place of employment and all worksites and work-related areas in or on a place of employment.

4 Oct 96 cO-1.1 Reg 1 s248.

Doors

249 An employer, contractor or owner shall ensure that:

(a) every door in a hazardous work area opens away from the hazard and is not blocked by an obstruction; and

(b) every walk-in freezer or refrigerator is equipped with a means to open the door from the inside.

4 Oct 96 cO-1.1 Reg 1 s249.

Travelways

250(1) An employer, contractor or owner shall ensure that every travelway:

(a) is strong enough to withstand any traffic to which the travelway may be subjected;

(b) has secure footing for workers and adequate traction for vehicles or equipment; and

(c) is at least:

(i) 600 millimetres wide, in the case of travelways installed before July 1, 1997; and

(ii) 900 millimetres wide, in the case of travelways installed on and after July 1, 1997.

(2) An employer, contractor or owner shall ensure that every travelway that may give rise to a hazard described in subsection 116(2) is provided with a guardrail.

4 Oct 96 cO-1.1 Reg 1 s250.

Stairs

251 An employer, contractor or owner shall ensure that:

(a) the widths of treads, the depths of treads and the vertical distances between treads are uniform throughout the length of any stairway and that each tread is level; and

(b) any stairs installed on or after the day on which this section comes into force, including temporary stairs, are at least 600 millimetres wide.

4 Oct 96 cO-1.1 Reg 1 s251.

Ladders

252(1) An employer, contractor or supplier shall ensure that every ladder is designed, constructed, used and maintained to perform its function safely.

(2) An employer, contractor or supplier shall ensure that:

(a) no wooden ladder or stepladder is painted with any substance other than a transparent coating; and

(b) no ladder is made by fastening cleats across a single rail or post.

4 Oct 96 cO-1.1 Reg 1 s252.

Portable ladders

253(1) In this section and section 254, **"portable ladder"** means any ladder that is not fixed in place, and includes a stepladder.

(2) An employer or contractor shall ensure that:

(a) a portable ladder is equipped with non-slip feet;

(b) a portable ladder is secured against accidental movement during use;

(c) a metal or wire-bound portable ladder is not used where the ladder or a worker handling or using the ladder may come into contact with an exposed energized electrical conductor; and

(d) a portable ladder extends at least one metre above any platform, roof or other landing to which the ladder is used as a means of access.

(3) An employer or contractor shall ensure that each worker who handles or uses a portable ladder is instructed in the requirements of this section.

(4) An employer or contractor shall ensure that a stepladder:

(a) is not more than six metres high when set for use;

(b) has legs that are securely held in position by means of metal braces or an equivalent rigid support; and

(c) when in use, has a front section slope at an angle of one horizontal to six vertical.

(5) An employer or contractor shall ensure that:

(a) an extension ladder is equipped with locks that securely hold the sections of the ladder in the extended position;

(b) where a section of an extension ladder is extended, the section that is extended overlaps another section for at least one metre;

(c) an extension ladder consisting of two sections does not exceed 14.6 metres in length; and

(d) an extension ladder consisting of more than two sections does not exceed 20 metres in length.

(6) An employer or contractor shall ensure that no single portable ladder and no section of an extension ladder exceeds nine metres in length.

4 Oct 96 cO-1.1 Reg 1 s253.

Use of portable ladders

254(1) Where a worker uses a portable ladder other than a stepladder, an employer or contractor shall ensure that:

(a) the ladder is placed against the structure so that the slope of the lader is one horizontal to four vertical;

(b) the worker does not extend any part of the worker's body except for the worker's arms beyond the side rails of the ladder; and

(c) the worker maintains a three-point stance on the ladder at all times.

(2) An employer or contractor shall ensure that a worker does not work from either of the top two rungs or steps of a portable ladder, unless the ladder is a stepladder that has a platform equipped with a suitable handrail.

4 Oct 96 cO-1.1 Reg 1 s254.

Fixed ladders

255(1) In this section, **"fixed ladder"** means a ladder that is fixed to a structure in a vertical position or at an angle that is between vertical and 25° to the vertical, but does not include a ladder used in underground mining operations to which *The Mines Regulations* apply.

(2) A ladder that is fixed to a structure at an angle of more than 25° to the vertical, or more than one horizontal to two vertical, is deemed to be a stairway and is subject to the requirements of sections 121 and 251.

(3) An employer, contractor or owner shall ensure that:

(a) the rungs on a fixed ladder are uniformly spaced with centres that are not less than 250 and not more than 300 millimetres apart;

(b) a clearance of at least 150 millimetres is maintained between the rungs on a fixed ladder and the structure to which the ladder is affixed;

(c) a fixed ladder is securely held in place at the top and bottom and at any intermediate points that are necessary to prevent sway;

(d) the side rails of a fixed ladder extend not less than one metre above any platform, roof or other landing on the structure to which the ladder is fixed;

(e) a ladder opening in a platform, roof or other landing does not exceed 750 millimetres by 750 millimetres;

(f) a fixed ladder that is more than six metres high:

(i) is equipped with:

(A) platforms at intervals of not more than six metres or ladder cages, in the case of ladders installed on or before March 11, 1986; or

(B) platforms at intervals of not more than six metres and ladder cages, in the case of ladders installed on or after March 12, 1986; or

(ii) is equipped with a personal fall arrest system that meets the requirements of Part VII; and

(g) a fixed ladder in an excavated shaft is installed in a compartment that is separated from the hoist compartment by a substantial partition.

(4) Where a ladder cage is required by these regulations, an employer, contractor or owner shall ensure that:

(a) the ladder cage is constructed of hoops that are not more than 1.8 metres apart, joined by vertical members not more than 300 millimetres apart around the circumference of the hoop;

(b) no point on a hoop of the ladder cage is more than 750 millimetres from the ladder; and

(c) the ladder cage is of sufficient strength and is designed to contain any worker who may lean or fall against a hoop.

(5) In the case of a ladder cage constructed before July 1, 1997, an employer, contractor or owner shall ensure that:

(a) the lowest hoop of the ladder cage is not more than three metres from a platform, landing or the ground; and

(b) the uppermost hoop of the ladder cage is at the level of a platform, landing or roof.

(6) In the case of a ladder cage constructed on or after July 1, 1997, an employer, contractor or owner shall ensure that:

(a) the lowest hoop of the ladder cage is not more than 2.2 metres from a platform, landing or the ground; and

(b) the uppermost hoop of the ladder cage extends at least one metre above the level of a platform, landing or roof.

4 Oct 96 cO-1.1 Reg 1 s255; 10 Aug 2007 SR 67/2007 s23.

Construction ladders

256(1) In this section, **"construction ladder"** means a ladder constructed at a worksite.

(2) An employer or contractor shall ensure that:

(a) the side rails of a construction ladder that is five metres or less in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 by 89 millimetres or of material of equivalent strength and rigidity;

(b) the side rails of a construction ladder that is over five metres in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 by 140 millimetres or of material of equivalent strength and rigidity;

(c) no construction ladder is more than 10 metres long;

(d) the rungs of a construction ladder are:

(i) constructed of number 1 structural grade spruce lumber that measures not less than 21 by 89 millimetres or of material of equivalent strength and rigidity;

(ii) supported by filler blocks or secured by a single continuous wire; and

(iii) uniformly spaced with not more than 300 millimetres between their centres;

(e) the width between the side rails of a construction ladder is at least 500 millimetres;

(f) every two-way construction ladder that permits traffic in both directions at the same time is not less than 1.2 metres wide and is constructed with a centre structural rail throughout the ladder's entire length; and

(g) no plywood is used for the side rails or rungs of a construction ladder.

4 Oct 96 cO-1.1 Reg 1 s256.

PART XVII
Excavations, Trenches, Tunnels and Excavated Shafts

Interpretation

257 In this Part:

(a) **"sheeting"** means the members of a shoring system that retain the earth in position and, in turn, are supported by other members of the shoring system, and includes uprights placed so that individual members are closely spaced, in contact with or interconnected to each other;

(b) **"shoring"** means an assembly of structural members designed to prevent earth or material from falling or sliding into an excavation;

(c) **"spoil pile"** means material excavated from an excavation, trench, tunnel or excavated shaft;

(d) **"temporary protective structure"** means a structure or device in an excavation, trench, tunnel or excavated shaft that is designed to provide protection from cave-ins, collapse, sliding or rolling materials, and includes shoring, boxes, trench shields and similar structures;

(e) **"type 1 soil"** means soil that most closely exhibits the following characteristics:

(i) is hard in consistency, very dense in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of greater than 50 blows per 300 millimetres;

(ii) can be penetrated only with difficulty by a small, sharp object;

(iii) has a dry appearance;

(iv) has no signs of water seepage;

(v) can be excavated only by mechanical equipment;

(vi) does not include previously excavated soils;

(f) **"type 2 soil"** means soil that most closely exhibits the following characteristics:

(i) is very stiff in consistency, dense in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of 30 to 50 blows per 300 millimetres;

(ii) can be penetrated with moderate difficulty by a small, sharp object;

(iii) is difficult to excavate with hand tools;

(iv) has a low to medium natural moisture content and a damp appearance after it is excavated;

(v) has no signs of water seepage;

(vi) does not include previously excavated soils;

(g) **"type 3 soil"** means soil that:

(i) most closely exhibits the following characteristics:

(A) is stiff in consistency, compact in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of 10 to 29 blows per 300 millimetres;

(B) can be penetrated with moderate ease by a small, sharp object;

(C) is moderately difficult to excavate with hand tools;

(D) exhibits signs of surface cracking;

(E) exhibits signs of localized water seepage; or

(ii) is previously excavated soil that does not exhibit any of the characteristics of type 4 soil;

(h) **"type 4 soil"** means soil that:

(i) exhibits any of the following characteristics:

(A) is firm to very soft in consistency, loose to very loose in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of less than 10 blows per 300 millimetres;

(B) is easy to excavate with hand tools;

(C) is cohesive soil that is sensitive and, on disturbance, is slightly reduced in internal strength;

(D) is dry and runs easily into a well-defined conical pile;

(E) has a wet appearance and runs easily or flows;

(F) is granular soil below the water table, unless the soil has been dewatered;

(G) exerts substantial hydraulic pressure when a support system is used; or

(ii) is previously excavated soil that exhibits any of the characteristics set out in paragraphs (i)(A) to (G);

(i) **"upright"** means a vertical member of a shoring system that is placed in contact with the earth and usually positioned so that the vertical member does not contact any other vertical member;

(j) **"wale"** means a horizontal member of a shoring system that is placed parallel to the excavation face and whose sides bear against the vertical members of the shoring system or the earth.

4 Oct 96 cO-1.1 Reg 1 s257.

Application of Part

258 This Part applies to excavations, trenches, tunnels and excavated shafts other than excavations, trenches, tunnels and excavated shafts that are governed by *The Mines Regulations*.

4 Oct 96 cO-1.1 Reg 1 s258.

Locating underground pipelines, etc.

259(1) An employer or contractor shall accurately establish the location of all underground pipelines, cables and conduits in an area where work is to be done and shall ensure that those locations are conspicuously marked:

(a) before commencing work using power tools or powered mobile equipment on an excavation, trench, tunnel, excavated shaft or borehole; or

(b) before breaking ground surface with any equipment to a depth that may contact underground utilities.

(2) Where an operation is to be undertaken involving the disturbance of soil within 600 millimetres of an existing pipeline, cable or conduit, an employer or contractor shall ensure that the pipeline, cable or conduit is exposed by hand digging or other approved method before mechanical excavating is allowed to begin within that area.

(3) Where an operation mentioned in subsection (2) exposes a pipeline, cable or conduit, an employer or contractor shall ensure that the pipeline, cable or conduit is supported to prevent any damage during backfilling and any subsequent settlement of the ground.

(4) Where there is contact with or damage to an underground pipeline, cable or conduit, an employer or contractor shall immediately:

(a) notify the owner of the pipeline, cable or conduit that contact or damage has occurred; and

(b) take steps to protect the health and safety of any worker who may be at risk until any unsafe condition resulting from the contact or damage is repaired or corrected.

4 Oct 96 cO-1.1 Reg 1 s259.

Excavating and trenching

260(1) An employer or contractor shall ensure that:

(a) before excavating or trenching begins, where the stability of a structure may be affected by an excavation or trench, the structure is supported by a temporary protective structure designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design;

(b) all loose material is scaled or trimmed from the side of an excavation or trench where a worker is required or permitted to be present;

(c) equipment, spoil piles, rocks and construction materials are kept at least one metre from the edge of an excavation or trench;

(d) an excavation or trench that a worker may be required or permitted to enter is kept free from any accumulation of water; and

(e) the slope of a spoil pile adjacent to an excavation or trench has a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal.

(2) Subject to subsections (3) and (4), where a wall of an excavation or trench is cut back, an employer or contractor shall ensure that:

(a) in the case of type 1 or type 2 soil, the walls are sloped to within 1.2 metres of the bottom of the excavation or trench, with a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal;

(b) in the case of type 3 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than one horizontal to one vertical, or 45° measured from the horizontal; and

(c) in the case of type 4 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than three horizontal to one vertical, or 19° measured from the horizontal.

(3) Where an excavation or trench contains more than one type of soil, the soil must be classified as the soil type with the highest number.

(4) Subsection (2) does not apply to an excavation or trench that is cut in sound and stable rock.

(5) Where an excavation or trench is to be made in the vicinity of an overhead power line, an employer or contractor shall ensure that the work is carried out in a manner that will not reduce the original support provided for any overhead power line pole, unless permission has previously been obtained from the utility company responsible for the overhead power line.

(6) An employer or contractor shall ensure that no powered mobile equipment or vehicle is operated, and that no powered mobile equipment, vehicle or heavy load is located, near an excavation or trench so as to affect the stability of the walls of the excavation or trench.

4 Oct 96 cO-1.1 Reg 1 s260; 31 Jan 97 SR 6/97 s11.

Temporary protective structures

261(1) An employer or contractor shall ensure that a temporary protective structure to be used pursuant to this Part:

(a) is designed, constructed, installed, used, maintained and dismantled to provide adequate protection to a worker who is in an excavation, trench, tunnel, excavated shaft or borehole and to a worker who installs, uses, maintains or dismantles the temporary protective structure; and

(b) extends at least 300 millimetres above the wall of the excavation, trench, tunnel, excavated shaft or borehole to prevent material from falling in.

(2) An employer or contractor shall ensure that:

(a) all drawings and instructions necessary to safely construct, install, use, maintain and dismantle a temporary protective structure required pursuant to this Part are kept at the site of the excavation, trench, tunnel, excavated shaft or borehole; and

(b) where required by this Part, a professional engineer certifies that the temporary protective structure, if constructed and installed as drawn and used, maintained and dismantled as instructed, will provide adequate protection to a worker who constructs, installs, uses, maintains or dismantles the temporary protective structure.

(3) Freezing the ground by artificial means is acceptable as an alternative or partial alternative to installing a temporary protective structure in an excavation, trench, tunnel, excavated shaft or borehole if the freezing is:

(a) designed by a professional engineer to control the ground condition so as to ensure the safety of workers; and

(b) performed in accordance with the professional engineer's specifications and instructions.

(4) Natural freezing of the ground is not acceptable as an alternative or partial alternative to the installation of temporary protective structures.

4 Oct 96 cO-1.1 Reg 1 s261.

Protection against cave-in of excavations

262(1) Where a worker is present in an excavation that is more than 1.2 metres deep and is required to be closer to the wall or bank than the distance equal to the depth of the excavation, an employer or contractor shall ensure that the worker is protected from cave-ins or sliding material by:

(a) cutting back the upper portion of the walls of the excavation in accordance with subsection 260(2);

(b) installing a temporary protective structure; or

(c) a combination of cutting back the walls to the slope specified in subsection 260(2) and installing a temporary protective structure that extends at least 300 millimetres above the base of the cut-back.

(2) Subject to subsection (3), an employer or contractor shall ensure that a temporary protective structure required by clause (1)(b) or (c) is:

(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Table 17 of the Appendix for the type of soil and the depth of the excavation or made of material of equivalent or greater strength; or

(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.

(3) An employer or contractor shall ensure that a temporary protective structure in an excavation more than three metres deep is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.

4 Oct 96 cO-1.1 Reg 1 s262.

Protection against cave-in of trenches

263(1) Where a worker is present in a trench that is more than 1.2 metres deep, an employer or contractor shall ensure that the worker is protected from cave-ins or sliding material by:

(a) cutting back the upper portion of the walls of the trench in accordance with subsection 260(2);

(b) installing a temporary protective structure; or

(c) a combination of cutting back the walls to the slope specified in subsection 260(2) and installing a temporary protective structure that extends at least 300 millimetres above the base of the cut-back.

(2) An employer or contractor shall ensure that a temporary protective structure required by clause (1)(b) or (c) is:

(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Table 17 of the Appendix for the type of soil and the depth of the trench or made of material of equivalent or greater strength; or

(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.

(3) An employer or contractor shall ensure that a temporary protective structure in a trench more than six metres deep in type 1, type 2 or type 3 soil or in a trench more than four metres deep in type 4 soil is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.

(4) An employer or contractor shall ensure that:

(a) shoring is installed and removed in a manner that protects workers from cave-ins and structural collapses and from being struck by shoring components;

(b) shoring components are securely connected together to prevent sliding, falling, kickouts or other possible failure; and

(c) individual components of shoring are not subjected to loads that exceed the loads the components were designed to bear.

(5) Where a worker is in a trench that is more than 1.2 metres deep, an employer or contractor shall ensure that a competent worker is stationed on the surface to alert the worker in the trench about the development of any potentially unsafe conditions and to provide assistance in an emergency.

(6) Where a worker is required to enter a trench, an employer or contractor shall:

(a) install ladders, stairways or ramps to provide a safe means of entrance to and exit from the trench; and

(b) ensure that the ladder, stairway or ramp is located not more than eight metres from a worker working in the trench.

(7) An employer or contractor shall ensure that workers are instructed in and comply with the requirements of this section.

4 Oct 96 cO-1.1 Reg 1 s263.

Excavated shafts and tunnels

264(1) An employer or contractor shall ensure that:

(a) during excavating, the walls of an excavated shaft or tunnel are retained by temporary protective structures that are adequate:

(i) for the type of soil; and

(ii) to prevent collapse or cave-in of the walls of the excavated shaft or tunnel;

(b) during the excavating of an excavated shaft that is three metres or more deep or of a tunnel, the walls of the shaft or tunnel are retained by temporary protective structures designed and certified by a professional engineer to be adequate for the protection of workers in the shaft or tunnel and constructed, installed, used, maintained and dismantled in accordance with that design;

(c) a solid or wire mesh fence at least one metre high, or other equally effective means of preventing material from falling into an excavated shaft or the surface opening of a tunnel, is provided around that shaft or opening; and

(d) substantial gates that are not less than one metre high are installed in every opening in a fence provided pursuant to clause (c) and the gates are kept closed except when being used.

(2) A worker who opens a gate mentioned in clause (1)(d) shall close the gate after the worker no longer has a need to keep the gate open.

(3) An employer or contractor shall provide suitable equipment to keep a tunnel or excavated shaft free from any accumulation of water.

4 Oct 96 cO-1.1 Reg 1 s264.

Boreholes, belled areas of excavated shafts

265(1) An employer or contractor shall ensure that:

(a) a worker who is required or permitted to enter a borehole is protected by the installation of a casing that is designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; and

(b) the casing mentioned in clause (a) extends and remains at least 300 millimetres above the surface of the ground to prevent material from falling into the casing.

(2) An employer or contractor shall not require or permit a worker:

(a) to enter the belled area of an excavated shaft unless the worker is protected by a temporary protective structure that is designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; or

(b) to remain in a belled area of an excavated shaft where the worker may be exposed to falling materials.

(3) An employer or contractor shall ensure that the worker precedes or accompanies each load of excavated material to the surface.

4 Oct 96 cO-1.1 Reg 1 s265.

PART XVIII
Confined Space Entry

Interpretation

266 In this Part:

(a) **"confined space"** means an enclosed or partially enclosed space that:

(i) is not primarily designed or intended for human occupancy, except for the purpose of performing work; and

(ii) has restricted means of entrance and exit;

(b) **"hazardous confined space"** means a confined space that is or may become hazardous to a worker entering the confined space due to:

(i) the design, construction or atmosphere of the confined space;

(ii) the materials or substances in the confined space;

(iii) the work activities or processes used in the confined space; or

(iv) any other conditions relating to the confined space;

(c) **"isolate"** means to physically interrupt or disconnect pipes, lines and sources of energy from a confined space.

4 Oct 96 cO-1.1 Reg 1 s266.

Identification of confined spaces, hazards, etc.

267 Where a worker may be required or permitted to work in a confined space, an employer, in consultation with the committee, shall identify:

(a) types of confined spaces at the place of employment that a worker may be required or permitted to enter;

(b) types of hazards that are or may be present at each confined space;

(c) alternative means to perform the work to be performed in a confined space that will not require the worker to enter the confined space; and

(d) alterations to the physical characteristics of the confined spaces that may be necessary to ensure safe entrance to and exit from all accessible parts of each confined space.

4 Oct 96 cO-1.1 Reg 1 s267.

Avoidance of entry into hazardous confined space

268(1) Where reasonably practicable, an employer shall use an alternative means to perform work that will not require a worker to enter a hazardous confined space.

(2) An employer shall take all reasonably practicable steps to prevent any unauthorized entry into the confined space.

4 Oct 96 cO-1.1 Reg 1 s268.

Requirements before confined space is entered

269(1) Where a worker will be required or permitted to work in a confined space, an employer, contractor or owner shall, before requiring or permitting the worker to enter the confined space:

(a) ensure that there is a safe entrance to and exit from all accessible parts of the confined space; and

(b) make all practicable alterations to the physical characteristics of the confined space necessary to ensure a safe entrance to and exit from all accessible parts of the confined space.

(2) In making alterations pursuant to clause (1)(b), an employer shall ensure that the structural integrity of the confined space is maintained.

4 Oct 96 cO-1.1 Reg 1 s269.

Requirements before hazardous confined space is entered

270(1) Before a worker is required or permitted to enter a confined space, an employer shall appoint a competent person:

(a) to assess the hazards;

(b) where a hazardous atmosphere has been identified, to test the atmosphere of the confined space for:

(i) oxygen enrichment or deficiency;

(ii) the presence of flammable or explosive substances; and

(iii) the presence and hazardous concentration of airborne chemical substances; and

(c) to determine whether:

(i) work activities or processes will result in the release of toxic, flammable or explosive concentrations of any substances during the worker's occupation of the confined space;

(ii) measures have been taken to ensure that a worker will not drown or become entrapped in any liquid or free-flowing solid present in the confined space;

(iii) the entry of any liquid, free-flowing solid or hazardous substance into the confined space in a quantity that could endanger the health or safety of the worker has been prevented;

(iv) all energy sources that present a hazard to a worker entering into, exiting from or occupying the confined space have been locked out, with the energy sources being put in a zero energy state;

(v) any hazards from biological substances are present in the confined space; and

(vi) the opening for entry into and exit from the confined space is sufficient to allow safe passage of a worker who is using personal protective equipment required by these regulations.

(2) When testing the atmosphere of a confined space pursuant to clause (1)(b), a competent person shall use appropriate and properly calibrated instruments that have been tested to ensure that the instruments are capable of operating safely and effectively.

(3) A competent person who carries out the activities described in clauses (1)(a) to (c) shall prepare a report in writing that sets out:

(a) the results of the assessment, tests and determinations;

(b) recommended special precautions and procedures to reduce the risk to a worker that are to be followed by a worker entering into, exiting from or occupying the confined space; and

(c) recommended personal protective equipment to be used by a worker entering the confined space.

4 Oct 96 cO-1.1 Reg 1 s270.

Notice where no hazard found

271 Where a confined space is not identified as a hazardous confined space, an employer shall:

(a) notify a worker who is required to enter the confined space verifying that the confined space is not hazardous;

(b) arrange for a method of communication with a worker on entry to and exit from the confined space and at appropriate intervals while a worker is in the confined space;

(c) prepare a procedure for the removal of a worker who has become injured or incapacitated while in the confined space; and

(d) ensure that the ventilation in the confined space is adequate to maintain safe atmospheric conditions.

4 Oct 96 cO-1.1 Reg 1 s271.

Entry plan

272(1) Where a worker will be required or permitted to enter a hazardous confined space, an employer, in consultation with the committee, shall develop a hazardous confined space entry plan to ensure the health and safety of workers who enter or work in the hazardous confined space.

(2) A hazardous confined space entry plan must be in writing and must include:

(a) the tests or measurements necessary to monitor any oxygen deficiency or enrichment or the presence and hazardous concentration of flammable or explosive substances;

(b) the identification of any other hazards that may be present in the hazardous confined space and may put the health or safety of workers at risk;

(c) the means, if any, of isolating the hazardous confined space;

(d) the means, if any, of ventilating the hazardous confined space;

(e) the procedures to enter, work in and exit from the hazardous confined space safely;

(f) the availability, location and proper use of personal protective equipment;

(g) the rescue procedures to be followed, including the number and duties of personnel and the availability, location and proper use of equipment;

(h) the means to maintain effective communication with a worker who has entered the hazardous confined space; and

(i) the availability, location and proper use of any other equipment that a worker may need to work safely in the hazardous confined space.

(3) An employer shall ensure that the following workers are trained in and implement a hazardous confined space entry plan:

(a) a worker who is required or permitted to enter the hazardous confined space;

(b) a worker who attends a worker in the hazardous confined space pursuant to subsection 274(4) or (5);

(c) a worker who may be required or permitted to implement the rescue procedures mentioned in clause (2)(g).

(4) An employer shall make a copy of a hazardous confined space entry plan readily available at the entrance to the hazardous confined space.

4 Oct 96 cO-1.1 Reg 1 s272.

Purging and ventilating of unsafe atmosphere

273(1) In addition to the requirements of section 369, where a concentration of a toxic, flammable or explosive substance is present or an oxygen enrichment or deficiency exists in a hazardous confined space, an employer shall ensure that the hazardous confined space is:

(a) purged and ventilated before a worker is allowed to enter the space, so that:

(i) any hazard associated with a toxic, flammable or explosive substance is reduced to the extent that is possible or eliminated; and

(ii) an oxygen content of not less than 19.5% and not more than 23% is ensured; and

(b) continuously ventilated at all times during which the worker occupies the hazardous confined space, to maintain a safe atmosphere.

(2) Where ventilation is used to reduce or eliminate a hazard pursuant to subsection (1), an employer shall ensure that a competent person tests the atmosphere to determine that the confined space is safe for entry by a worker:

(a) before a worker enters the confined space;

(b) where all workers have vacated the confined space, before any worker re-enters the confined space;

(c) on the request of a worker who is required or permitted to enter the confined space; and

(d) continuously where any condition in the confined space may change and put the worker's health or safety at risk.

4 Oct 96 cO-1.1 Reg 1 s273.

Precautions where safe atmosphere not possible

274(1) Where a hazardous confined space cannot be purged and ventilated to provide a safe atmosphere or a safe atmosphere cannot be maintained pursuant to section 273, an employer shall ensure that no work is carried on in the confined space except in accordance with the requirements of this section and section 369.

(2) An employer shall ensure that a competent person continuously monitors the atmosphere in a hazardous confined space.

(3) An employer shall ensure that a worker is provided with and required to use a respiratory protective device that meets the requirements of Part VII if:

(a) the airborne concentration for any substance meets or exceeds the permissible contamination limit mentioned in clause 307(1)(a);

(b) oxygen deficiency or enrichment is detected; or

(c) the airborne concentration of any other substance may be harmful to the worker.

(4) An employer shall ensure that a worker in a hazardous confined space is attended by and in communication with another worker who:

(a) has been adequately trained in the rescue procedures mentioned in clause 272(2)(g);

(b) is stationed and remains at the entrance to the confined space unless replaced by another adequately trained worker; and

(c) is equipped with a suitable alarm to summon assistance.

(5) If entrance to a hazardous confined space is from the top:

(a) an employer shall ensure that:

(i) a worker uses a full-body harness and, where appropriate, is attached to a lifeline;

(ii) if a lifeline is used, the lifeline is attended by another worker who is adequately trained in the rescue procedures mentioned in clause 272(2)(g); and

(iii) where reasonably practicable, a mechanical lifting device is available to assist with a rescue and is located at the entry to the confined space while a worker is in the confined space; or

(b) an employer shall ensure that an alternate method of rescue is developed and implemented where the use of a full-body harness or lifeline would create an additional hazard.

(6) If any flammable or explosive dusts, gases, vapours or liquids are or may be present in a hazardous confined space, an employer shall ensure that all sources of ignition are eliminated or controlled.

(7) An employer shall ensure that:

(a) equipment necessary to rescue workers is readily available at the entrance to the hazardous confined space and used in accordance with the rescue procedures developed pursuant to clause 272(2)(g);

(b) the holder of a class A qualification in first aid is available to provide immediate first aid; and

(c) personnel who are trained in the rescue procedures developed pursuant to clause 272(2)(g) and who are fully informed of the hazards in the confined space are readily available to assist in a rescue procedure.

4 Oct 96 cO-1.1 Reg 1 s274.

Piping discharging hazardous substances

275(1) Where a worker may be required or permitted to work in a confined space into which piping may discharge a hazardous substance, an employer shall ensure that the piping:

(a) has a blank installed that is sized for the proper pressure in the piping before the piping enters the confined space;

(b) is equipped with two blocking valves and a bleed-off valve installed between the blocking valves located so that any bleed off does not contaminate the confined space; or

(c) is equipped with an approved safety device.

(2) Where piping is equipped with two blocking valves and a bleed-off valve pursuant to clause (1)(b) or an approved safety device pursuant to clause (1)(c), an employer shall ensure that:

(a) the valves in the flow lines are locked out in the "closed" position and the bleed-off valve is locked out in the "open" position;

(b) the valves are tagged to indicate that the valves must not be activated until the tags have been removed by a worker designated by the employer for that purpose; and

(c) the worker designated pursuant to clause (b):

(i) monitors the valves to ensure that they are not activated while a worker is in the confined space; and

(ii) records on the tag mentioned in clause (b) the date and time of each monitoring and signs the tag each time the worker monitors the valves.

4 Oct 96 cO-1.1 Reg 1 s275.

PART XIX
Work in Compressed Air

Interpretation

276 In this Part:

(a) **"air lock"** means a chamber designed for the passage of persons or materials from one place to a place with a different air pressure;

(b) **"compressed air"** means air that is mechanically raised to a pressure higher than 15 kilopascals above atmospheric pressure;

(c) **"medical lock"** means a chamber in which persons may be subjected to changes in air pressure for medical purposes;

(d) **"working chamber"** means the part of a project under construction that is used for work in compressed air, but does not include an air lock or medical lock.

4 Oct 96 cO-1.1 Reg 1 s276.

Application of Part

277 This Part applies to work performed in compressed air, but does not apply to divers or persons working in diving bells.

4 Oct 96 cO-1.1 Reg 1 s277.

Before work in compressed air begins

278(1) At least 30 days before beginning work in compressed air, an employer or contractor shall:

(a) give notice in writing to the division of the nature and location of the work; and

(b) provide the division with copies of the certificates of a professional engineer who is competent in construction work carried out in compressed air and a physician who is competent in hyperbaric medicine.

(2) The certificates required by subsection (1) must:

(a) certify that the design of the compressed air installation and its components, including any air lock, medical lock, bulkhead, door and working chamber, the air supply system, the control system and the emergency facilities, are suitable and adequate to provide a healthy and safe work environment; and

(b) contain a statement of conditions and procedures that are necessary to ensure the health and safety of workers employed in the compressed air installation.

(3) An employer or contractor shall ensure that any work in a compressed air installation is performed in accordance with the conditions and procedures contained in the certificates required by subsection (1).

4 Oct 96 cO-1.1 Reg 1 s278.

Workers in working chamber

279(1) Where workers are employed in a working chamber, an employer or contractor shall ensure that:

(a) emergency procedures, including decompression procedures, have been developed that are adequate to prevent worker ill health;

(b) the workers are fully trained in the emergency procedures required by clause (a);

(c) the workers are regularly monitored by a physician; and

(d) a competent supervisor is appointed and given the authority and resources necessary to protect the health and safety of workers in the working chamber.

(2) A worker who is monitored by a physician pursuant to clause (1)(c) shall comply with any requirement that the physician considers necessary to prevent or treat ill health caused by working in compressed air.

(3) An employer or contractor shall ensure that the emergency procedures required by clause (1)(a) are implemented in an emergency.

4 Oct 96 cO-1.1 Reg 1 s279.

Standards for air

280 An employer or contractor shall ensure that:

(a) the air supplied by a compressor plant for use in a working chamber, air lock or medical lock meets the requirements of the Canadian Standards Association standard CAN3-Z180.1-M85 *Compressed Breathing Air and Systems*;

(b) the air intake for a compressor plant that supplies air to a working chamber, an air lock or a medical lock is located so as to prevent the entry of exhaust gases from internal combustion engines, gasoline fumes or other contaminants; and

(c) the air supplied to a working chamber, air lock or medical lock is kept, as far as is practicable, between 10° and 27° Celsius.

4 Oct 96 cO-1.1 Reg 1 s280.

Maximum air pressure

281 An employer or contractor shall ensure that the air pressure in a working chamber does not exceed 350 kilopascals for more than five minutes except when it is necessary for the safety of workers in an emergency.

4 Oct 96 cO-1.1 Reg 1 s281.

Working periods and rest periods

282(1) In this section:

(a) **"column"** means a column in Table 18 of the Appendix;

(b) **"rest period"** means a period during a worker's hours of work that immediately follows a working period and in which the worker is at normal atmospheric pressure, and may include time spent by the worker in an air lock after a working period;

(c) **"working day"** means a period of 24 consecutive hours;

(d) **"working period"** means a period in which a worker works in compressed air.

(2) An employer or contractor shall ensure that:

(a) a worker who works in compressed air is not required or permitted to work more than two working periods in one working day;

(b) the total number of hours in the two working periods of a worker's working day does not exceed the number of hours set out in column 2;

(c) a worker's first working period in a working day does not exceed the number of hours set out in column 3;

(d) after the first working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 4;

(e) a worker's second working period in a working day does not exceed the number of hours set out in column 5; and

(f) after the second working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 6.

(3) An employer or contractor shall ensure that no worker is required or permitted to perform manual work, engage in physical exertion or leave the worksite during a rest period.

4 Oct 96 cO-1.1 Reg 1 s282.

PART XX
Diving Operations

Interpretation

283 In this Part:

(a) **"air"** means respirable air;

(b) **"atmospheric pressure"** means the atmospheric pressure at the surface of the water;

(c) **"bail-out system"** means an independent breathing gas supply of sufficient quantity to return a diver to the surface, to a diving bell or to an emergency supply in the event of a malfunction of the primary breathing gas supply system;

(d) **"bottom time"** means the total elapsed time, measured in minutes, from the time a descending diver leaves the surface of the water to the time the diver begins final ascent;

(e) **"breathing gas"** means air or mixed gas;

(f) **"buddy system"** means the system described in section 298;

(g) **"class A hyperbaric chamber"** means a hyperbaric chamber that meets the requirements of Canadian Standards Association standard Z275.1-93 *Hyperbaric Facilities* for a class A hyperbaric chamber;

(h) **"decompression limit"** means the point in the descent of a diver, based on the depth and duration of the dive and determined in accordance with a decompression table, beyond which the diver will require one or more decompression stops during ascent if the diver descends further;

(i) **"decompression schedule"** means the procedure derived from a decompression table that a diver follows during ascent from a depth in order to minimize the risk of decompression sickness;

(j) **"decompression sickness"** means a condition caused by the formation of gas bubbles in the blood or body tissue as a result of the reduction of pressure on the body;

(k) **"decompression table"** means a table mentioned in section 285;

(l) **"dive site"** means the location at the surface of the water at which a diver enters the water at the beginning of a dive and to which the diver intends to return on ascent;

(m) **"diver"** means a competent worker or competent self-employed person who performs underwater work;

(n) **"diver's tender"** means a worker who monitors the dive of a diver and who is competent in the diving apparatus being used for a dive, the diving operation in progress and the emergency diving procedures and signals to be used between diver and diver's tender;

(o) **"diving supervisor"** means a competent person who has complete responsibility for a diving operation, including responsibility for the health and safety of all diving personnel;

(p) **"dressed-in"** means fully equipped to dive and ready to enter the water, with all life support and communications equipment tested and at hand, but not necessarily with the helmet, face plate or face mask in place;

(q) **"free swimming diving"** means diving while using scuba with the diver supervised but not tethered to the surface by a lifeline or float;

(r) **"hyperbaric chamber"** means a pressure vessel and associated equipment that are designed for the purpose of subjecting persons to pressures greater than atmospheric pressures;

(s) **"lifeline"** means a line of manila rope that is 19 millimetres in diameter and has a breaking strength of not less than 2454 kilograms, or material of equivalent or greater strength, secured at the surface to a substantial anchorage;

(t) **"mixed gas"** means a respirable breathing mixture, other than air, that provides adequate oxygen to support life and does not cause excessive breathing resistance, impairment of neurological functions or other detrimental physiological effects;

(u) **"scuba"** means a self-contained underwater breathing apparatus, and includes self-contained open-circuit compressed air breathing apparatus;

(v) **"standby diver"** means a diver who is:

(i) available at a dive site to give assistance to a submerged diver in the event of an emergency;

(ii) dressed-in; and

(iii) trained and equipped to operate at the depths and in the circumstances in which the submerged diver is operating;

(w) **"surface supply diving"** means a mode of diving in which a diver is supplied from the dive site with a breathing gas by way of an umbilical;

(x) **"therapeutic recompression"** means treatment of a diver for decompression sickness, usually in a hyperbaric chamber, in accordance with section 285;

(y) **"umbilical"** means a life support hose bundle comprising a composite hose and cable, or separate hoses and cables, that:

(i) extends from the surface to a diver or to a submersible chamber occupied by a diver; and

(ii) supplies breathing gas, power, heat and communication to the diver.

4 Oct 96 cO-1.1 Reg 1 s283.

Competent workers

284 An employer shall ensure that only competent workers are required or permitted to perform underwater diving operations.

4 Oct 96 cO-1.1 Reg 1 s284.

Standards

285 An employer shall ensure that all diving operations, repetitive dives and treatments of divers are carried out in strict accordance with decompression tables and procedures published or approved by the Defence and Civil Institute of Environmental Medicine (Canada) or another approved agency.

4 Oct 96 cO-1.1 Reg 1 s285.

Medical examination

286(1) A diver must have a comprehensive medical examination conducted by a physician at least once every 12 months in accordance with the criteria set forth in Appendices A and B of Canadian Standards Association standard CAN/CSA-Z275.2-92 *Occupational Safety Code for Diving Operations*.

(2) No diver shall dive unless the diver has been certified by the physician mentioned in subsection (1) to be free of any medical condition that would make unsafe the performance of the type of dive to be carried out.

(3) A diver shall:

(a) provide the employer with a copy of the certificate mentioned in subsection (2); and

(b) place the original certificate in the diver's personal log kept pursuant to section 297.

(4) An employer shall:

(a) ensure that no diver is required or permitted to dive unless the diver furnishes the employer with a copy of the certificate mentioned in subsection (2) that has been obtained within the preceding 12 months;

(b) retain the copy of the certificate mentioned in clause (a) while the diver is employed by the employer; and

(c) ensure that every diver employed by the employer is competent in the use of any diving apparatus that the diver will be required to use in a diving operation.

4 Oct 96 cO-1.1 Reg 1 s286.

Diving supervisor

287 An employer shall:

(a) ensure that a diving operation is conducted under the direction of a diving supervisor; and

(b) give to the diving supervisor all the information and resources necessary to protect the health and safety of every diver under the supervisor's direction.

4 Oct 96 cO-1.1 Reg 1 s287.

Minimum crew

288 An employer shall ensure that a sufficient number of workers are present for a diving operation to ensure that the operation can be undertaken safely.

4 Oct 96 cO-1.1 Reg 1 s288.

Standby diver

289(1) An employer shall ensure that a standby diver is present at all times when diving operations are in progress.

(2) An employer shall not require or permit a standby diver to dive except in the case of emergency.

4 Oct 96 cO-1.1 Reg 1 s289.

Diver's tender

290 An employer shall ensure that:

(a) a diver's tender acceptable to the diver is provided for each diver in the water during a diving operation; and

(b) the diver's tender devotes his or her whole time and attention to the work as a diver's tender.

4 Oct 96 cO-1.1 Reg 1 s290.

Breathing gas

291(1) Subject to subsection (2), where air is used as the breathing gas, an employer shall ensure that:

(a) the air is clean and wholesome and supplied in adequate quantity; and

(b) a reserve supply of 2.5 times the air required for the operation is supplied.

(2) An employer shall ensure that any air or mixed gas used as the breathing gas meets the approved standard for composition and purity requirements.

(3) Where a mixed gas is used as the breathing gas, an employer shall ensure that the decompression procedures, schedules and tables used are appropriate for the mixed gas.

4 Oct 96 cO-1.1 Reg 1 s291.

Diving equipment

292 An employer shall ensure that all diving equipment, including breathing apparatus, compressor, compressed gas cylinder, gas control valve, pressure gauge, reserve supply device, piping, helmet, winch, cable, diving bell or stage and every other accessory necessary for the safe conduct of the diving operation, is:

(a) of an approved design, sound construction, adequate strength and free from obvious defect;

(b) maintained in a condition that will ensure the equipment's continuing operating integrity and suitability for the equipment's use;

(c) adequately protected against malfunction at low temperatures that may be caused by ambient air or water or by the expansion of gas; and

(d) examined, tested, overhauled and repaired in accordance with the manufacturer's recommended procedure.

4 Oct 96 cO-1.1 Reg 1 s292.

Equipment for diving base

293 While diving is in progress, an employer shall ensure that the diving base is equipped with the following:

(a) if scuba is being used, one complete spare set of underwater breathing apparatus with fully charged cylinders to be used for emergency purposes only;

(b) an adequate quantity of oxygen for therapeutic purposes;

(c) one shot-line of weighted 19 millimetre manila of sufficient length to reach the bottom at the maximum depth of water at the dive site;

(d) a first aid kit that is appropriate for the number of workers and the worksite;

(e) one complete set of decompression tables;

(f) a suitable heated facility for the use of divers that is located on or as near as possible to the dive site;

(g) any other equipment that may be necessary to protect the health and safety of a worker.

4 Oct 96 cO-1.1 Reg 1 s293.

Hyperbaric chamber

294 An employer shall ensure that a class A hyperbaric chamber in operable condition is on site where:

(a) a dive is planned that may exceed the decompression limit; or

(b) the depth of a dive is greater than 40 metres.

4 Oct 96 cO-1.1 Reg 1 s294.

Diving plan

295(1) A diving supervisor shall submit a general diving plan in writing to the employer before beginning a diving operation.

(2) A diving supervisor shall:

(a) plan the dive to ensure the health and safety of the diver;

(b) instruct the surface crew on the procedures necessary to ensure the health and safety of the diver;

(c) ensure that all necessary equipment is available and is in good operating condition;

(d) ensure that the quantity of breathing gas supplied to a diver is sufficient for the dive that is planned;

(e) develop and implement a contingency plan for any emergency situation that may endanger the diver;

(f) keep a log showing each diver's activities on each day and make entries respecting each dive on the day on which the dive is performed;

(g) remain in the immediate area of the dive site at all times while a diving operation is in progress;

(h) ensure that each diver enters in the diver's personal log the information required by clause 297(2)(a) for each dive performed by the diver; and

(i) verify the accuracy of the information recorded in each diver's personal log pursuant to clause 297(2)(a) and sign the entry to acknowledge the supervisor's verification.

(3) Nothing in this section limits the responsibilities of an employer pursuant to this Part.

4 Oct 96 cO-1.1 Reg 1 s295.

General responsibilities of diver

296 A diver shall:

(a) proceed in accordance with the general diving plan and the instructions of the diving supervisor;

(b) inspect the diver's equipment immediately before each dive; and

(c) begin each dive by submerging and checking all equipment to ensure that there are no leaks and that the equipment is functioning properly.

4 Oct 96 cO-1.1 Reg 1 s296.

Diver's personal log

297(1) A diver shall keep a personal log and retain the log for a five-year period after the log's completion.

(2) A diver shall record in the personal log in chronological order:

(a) an entry for each dive that the diver has made, verified and signed by the diving supervisor, including the following information:

(i) the type of breathing apparatus used;

(ii) the breathing gas used;

(iii) the time at which the diver left the surface;

(iv) the bottom time;

(v) the maximum depth reached;

(vi) the time at which the diver left the bottom;

(vii) the time at which the diver reached the surface;

(viii) the surface interval, if more than one dive is undertaken in a day;

(ix) the decompression table and schedule used;

(x) the date of the dive;

(xi) any observations relevant to the health or safety of the diver arising from the dive;

(xii) the name of the employer; and

(b) an entry, signed by the attending physician or diving supervisor, respecting any therapeutic recompression or other exposure to a hyperbaric environment.

4 Oct 96 cO-1.1 Reg 1 s297.

Buddy system

298(1) The buddy system of diving involves the use of two divers, each of whom is responsible for the other diver's safety.

(2) A diver who is diving using the buddy system:

(a) shall maintain constant visual contact with the other buddy diver during the dive;

(b) shall know the hand signals being used and acknowledge each signal as given;

(c) shall not leave the other buddy diver except in the case of emergency requiring the assistance of one of the buddy divers; and

(d) shall abort the dive immediately if the buddy divers become separated from each other or the other buddy diver aborts the dive.

4 Oct 96 cO-1.1 Reg 1 s298.

Free swimming diving

299(1) An employer shall ensure that free swimming diving is performed only where a dive cannot safely be accomplished in the tethered mode.

(2) An employer shall not require or permit a diver to perform free swimming diving unless:

(a) the diver is accompanied by a tethered in-water standby diver or the buddy system is used; and

(b) the employer has first ensured that conditions are such that the free swimming dive can be undertaken safely.

4 Oct 96 cO-1.1 Reg 1 s299.

Scuba diving

300(1) An employer shall ensure that, during scuba diving operations, a diver uses:

(a) open-circuit scuba equipped with a demand regulator and a tank with quick-release harness;

(b) a reserve device or bail-out system;

(c) a lifeline, except where the buddy system is used; and

(d) an exposure suit or protective clothing that is appropriate for the condition of work and the temperature of the water.

(2) An employer shall ensure that no diver using scuba equipment:

(a) dives to a depth exceeding 40 metres; or

(b) dives without a lifeline under ice or where potentially hazardous conditions exist, including water currents, low visibility and adverse weather conditions.

4 Oct 96 cO-1.1 Reg 1 s300.

Surface-supply diving

301 Where a diver is required or permitted to perform surface-supply diving, an employer shall ensure that:

(a) the umbilical incorporates a lifeline to prevent stress on the hose;

(b) the connections between the airline and the equipment supplying the breathing gas to the diver are secured and properly guarded to prevent accidental disconnection or damage;

(c) the airline is equipped with the following, in sequence from the surface connection:

(i) a regulating valve that is clearly marked as to which diver's air supply the valve controls;

(ii) a pressure gauge that is accessible and clearly visible to the diver's tender; and

(iii) a non-return valve at the point of attachment of the airline to the diving helmet or mask;

(d) the diver carries a bail-out system; and

(e) the diver is equipped with a lifeline and an effective means of two-way communication between the diver and the diver's tender.

4 Oct 96 cO-1.1 Reg 1 s301.

PART XXI
Chemical and Biological Substances

General duties of employers

302(1) An employer shall, at a place of employment:

(a) monitor the use or presence of, or a worker's exposure to, any chemical substance or any biological substance that may be hazardous or harmful to the health or safety of a worker;

(b) where reasonably practicable, substitute a less hazardous or harmful chemical substance or biological substance for a hazardous or harmful chemical substance or biological substance;

(c) subject to subsection 307(1), to the extent that is reasonably practicable, reduce any contamination of the place of employment by a chemical substance or biological substance; and

(d) develop and implement work procedures and processes that are as safe as is reasonably practicable for the handling, use, storage, production and disposal of chemical substances and biological substances.

(2) An employer shall take all practicable steps to prevent exposure of a worker, to an extent that is likely to be harmful to the worker, to:

(a) a chemical substance or biological substance that may be hazardous; or

(b) a chemical substance or biological substance in combination or association with any other substance present that may be hazardous.

(3) An employer shall:

(a) inform the workers of the nature and degree of the effects to their health or safety of any chemical substance or biological substance to which the workers are exposed in the course of their work; and

(b) provide the workers with adequate training with respect to:

(i) work procedures and processes developed pursuant to clause (1)(d); and

(ii) the proper use of any personal protective equipment required by these regulations.

(4) An employer shall make available to the committee, the representative or, where there is no committee or representative, the workers:

(a) the results of any measurements of worker exposure to, and contamination of a place of employment by, a chemical substance or biological substance; and

(b) any steps taken to reduce the contamination of a place of employment by, and eliminate or reduce exposure of the workers to, a chemical substance or biological substance.

4 Oct 96 cO-1.1 Reg 1 s302.

List of chemical and biological substances

303(1) An employer shall, in consultation with the committee, the representative or, where there is no committee or representative, the workers:

(a) develop and maintain a list of:

(i) all chemical substances and biological substances that are regularly handled, used, stored, produced or disposed of in the course of work processes and that may be hazardous to the health and safety of the workers at the place of employment; and

(ii) any other chemical substances or biological substances that may be present at the place of employment and are of concern to the workers; and

(b) identify on the list all chemical substances and biological substances that are controlled products.

(2) An employer shall:

(a) amend the list mentioned in subsection (1) whenever a chemical substance or biological substance is added to or removed from the place of employment;

(b) submit a copy of each amendment to the committee or the representative; and

(c) keep a copy of the list at the place of employment and make the list readily available to the workers.

4 Oct 96 cO-1.1 Reg 1 s303.

Precautions for certain substances

304(1) Where a chemical substance or biological substance listed pursuant to subsection 303(1) is not a controlled product or is a controlled product that is exempted from the application of *The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations*, an employer shall take all reasonable steps to:

(a) ascertain and record the hazards that may arise from the handling, use, storage, production or disposal of the substance at the place of employment;

(b) ascertain and record the precautions that need to be taken with respect to the substance to ensure the health and safety of workers; and

(c) clearly mark the container holding the substance with the name of the substance as set out in the list.

(2) An employer, in consultation with the committee, shall develop a program to instruct workers about the hazards of the substances to which subsection (1) applies and train workers in the precautions to be taken with respect to those substances.

(3) An employer shall implement a program developed pursuant to subsection (2).

4 Oct 96 cO-1.1 Reg 1 s304; 17 Jne 2016 SR 43/2016 s3.

Substances listed in Table 19

305(1) An employer shall send to the director a written notice of any handling, use, storage, production, distribution or disposal, or any intended handling, use, storage, production, distribution or disposal of any chemical substance or biological substance listed in Table 19 of the Appendix.

(2) No employer shall handle, use, store, produce, distribute or dispose of a chemical substance or biological substance listed in Table 19 of the Appendix without:

(a) obtaining the written permission of the director; and

(b) complying with any conditions that the director may specify.

4 Oct 96 cO-1.1 Reg 1 s305.

Substances listed in Table 20

306 Where workers are required to handle, use, store, produce or dispose of any chemical substance listed in Table 20 of the Appendix, an employer shall:

(a) provide adequate engineering controls to prevent, to the extent that is reasonably practicable, the release of the substance into the place of employment; and

(b) take other measures and provide personal protective equipment that meets the requirements of Part VII to prevent, to the extent that is practicable, any significant risk to workers from the substance.

4 Oct 96 cO-1.1 Reg 1 s306.

Substances listed in Table 21

307(1) Subject to sections 306 and 308, where a chemical substance or biological substance listed in Table 21 of the Appendix is present at a place of employment, an employer shall:

(a) provide adequate engineering controls, to the extent that it is reasonably practicable to do so, to ensure that the contamination limit set out in Table 21 is not exceeded in any area where a worker is usually present; and

(b) take all practicable steps to ensure that no worker's personal exposure exceeds the contamination limit set out in Table 21.

(2) An employer, in consultation with the committee, shall develop a written procedure that meets the requirements of subsection (3) where a chemical substance or biological substance listed in Table 21 of the Appendix is present at a place of employment in an airborne concentration that may be hazardous to a worker, and a worker:

(a) is regularly required or permitted to work more than eight hours in a day or 40 hours in a week; or

(b) may be exposed to a combination or association of substances listed in Table 21 of the Appendix that have similar toxicological effects when acting on the same organ or body system.

(3) A written procedure required by subsection (2) must identify:

(a) the substances to which a worker may be exposed;

(b) the conditions under which a worker will be required or permitted to work, including the frequency, quantity and duration of exposure to the substances; and

(c) the steps that the employer will take to ensure, to the extent that is practicable, that no worker's personal exposure exceeds the equivalent of the contamination limit set out in Table 21 of the Appendix.

(4) An employer shall implement a procedure developed pursuant to subsection (2).

4 Oct 96 cO-1.1 Reg 1 s307; 10 Aug 2007 SR 67/2007 s24.

Protection of certain workers

308 Where a chemical substance or biological substance is present at a place of employment in a form and to an extent that may be harmful to a worker who is pregnant, has become sensitized to the substance or is unusually responsive to the substance, an employer shall, as soon as is reasonably possible after the worker has notified the employer of the worker's condition:

(a) where reasonably practicable, take steps to minimize the exposure of the worker to the substance; or

(b) on the worker's request, assign the worker to less hazardous alternate work if that work is available.

4 Oct 96 cO-1.1 Reg 1 s308.

Respiratory protective devices

309 Where it is not reasonably practicable to reduce a worker's personal exposure to a chemical substance or biological substance to the contamination limit set out in Table 21 of the Appendix, an employer shall provide an approved respiratory protective device that meets the requirements of Part VII and require the worker to use it.

4 Oct 96 cO-1.1 Reg 1 s309.

Accumulations, spills and leaks

310 Where there is a possibility of an accumulation, spill or leak of a chemical substance or biological substance that may be hazardous to the health or safety of a worker at a place of employment, an employer:

(a) in consultation with the committee, shall develop written emergency procedures to be implemented in the event of an accumulation, spill or leak;

(b) shall make readily available for reference by workers a copy of the emergency procedures developed pursuant to clause (a);

(c) shall ensure that each worker is trained in and implements any of the emergency procedures developed pursuant to clause (a) that:

(i) require the involvement of the worker; or

(ii) are necessary to protect the health or safety of the worker;

(d) shall ensure that competent persons, equipment, supplies and personal protective equipment are available for the prompt, safe and effective containment, neutralizing and decontamination of any accumulation, spill or leak; and

(e) shall ensure that the emergency procedures developed pursuant to clause (a) are implemented in the event of an accumulation, spill or leak.

4 Oct 96 cO-1.1 Reg 1 s310.

Report of worker's exposure

311(1) Where an accumulation, spill or leak of a chemical substance or biological substance listed in Table 19 or 20 of the Appendix occurs and results in the exposure of a worker to the chemical substance or biological substance to an extent that may affect the health or safety of the worker, an employer, in consultation with the committee, shall investigate the incident as soon as is reasonably possible and prepare a written report that includes:

(a) a description of the incident, including the date and all affected worksites;

(b) the names of the substances released and the characteristics of the substances;

(c) for each substance released, the estimated duration and the extent of each worker's exposure;

(d) the name of each worker exposed and the manner in which the substance entered the worker's body;

(e) the causes of the incident; and

(f) any corrective actions taken to prevent occurrence of a similar incident.

(2) An employer shall provide a copy of a report prepared pursuant to subsection (1) to any worker who was exposed to the chemical substance or biological substance that was released.

4 Oct 96 cO-1.1 Reg 1 s311.

Emergency showers

312 Where there may be a risk of substantial contamination of a worker or of a worker's clothing from corrosive or other harmful substances, an employer or contractor shall provide and maintain an approved and readily accessible means of bathing or showering the worker in lukewarm water.

4 Oct 96 cO-1.1 Reg 1 s312.

Eye flushing equipment

313 Where there may be a risk to the eyes of a worker from corrosive or other harmful substances, an employer or contractor shall provide, at readily accessible locations, approved equipment to flush the eyes of the worker with lukewarm water or another appropriate liquid.

4 Oct 96 cO-1.1 Reg 1 s313.

Flammable, unstable, highly reactive and corrosive substances

314(1) Where the storage at a place of employment of a chemical substance that is flammable, oxidizing, corrosive or dangerously reactive may put at risk the health or safety of a worker, an employer, contractor or owner shall ensure that:

(a) the substance is stored:

(i) in a self-contained enclosure, room or building that is isolated from work-related areas and worksites and is adequately ventilated; and

(ii) protected from conditions, including excessive temperature, shock or vibration, that could reduce the stability or increase the potential hazard of the substance;

(b) subject to *The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations*, a durable, legible sign setting out the harmful characteristics of the substance and the precautions to be taken for storage is posted at each entrance to the enclosure, room or building in which the substance is stored; and

(c) the container in which the substance is kept:

(i) subject to *The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations*, is clearly labelled with the name, harmful characteristics and precautions to be taken for the safe storage of the substance or substances;

(ii) subject to section 365, is designed, constructed and maintained to contain the substance securely and to be resistant to the substance and any other substances to which the container may be exposed;

(iii) is sealed or covered; and

(iv) is stored in a manner to protect the container from falls or damage.

(2) Where two or more chemical substances, when combined, produce a toxic, corrosive or explosive reaction, an employer, contractor or owner shall ensure that the substances are effectively separated and stored to prevent the substances from combining.

4 Oct 96 cO-1.1 Reg 1 s314; 17 Jne 2016 SR 43/2016 s4.

PART XXII
Controlled Products — Workplace Hazardous Materials Information System

315 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

316 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

317 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

319 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

320 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

321 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

322 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

323 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

324 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

325 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

326 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

327 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17..

328 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

329 **Repealed.** 17 Jne 2016 cS-15.1 Reg 6 s17.

PART XXIII
Asbestos

Interpretation

330 In this Part:

(a) **"asbestos"** means the fibrous form of crocidolite, amosite, chrysotile, anthophyllite, actinolite, tremolite or a mixture containing any of those minerals;

(b) **"asbestos dust"** means dust that consists of or contains asbestos fibres that are likely to become airborne;

(b.1) **"asbestos-containing material"** means:

(i) vermiculite determined to contain any asbestos when tested according to an approved method; or

(ii) any material, other than vermiculite, that when tested according to an approved method is determined to contain:

(A) a proportion of asbestos greater than 0.5%, if the material is friable; or

(B) a proportion of asbestos greater than 1.0%, if the material is non-friable;

(c) **"asbestos process"** means any activity that may release asbestos dust, and includes:

(i) the sawing, cutting or sanding of asbestos-containing materials;

(ii) the repair, maintenance, replacement or removal of asbestos surfaces;

(iii) the cleaning or disposal of asbestos materials;

(iv) the mixing or application of asbestos shorts, cements, grouts, putties or similar compounds;

(v) the storing or conveyance of materials containing asbestos; and

(vi) the demolition of structures containing asbestos;

(d) **"asbestos surface"** means the surface of an object that contains asbestos;

(e) **"friable"** means material that, when dry, is or can be crumbled, pulverized or powdered by hand pressure.

4 Oct 96 cO-1.1 Reg 1 s330; 21 Mar 2014 SR 5/2014 s4.

Application of Part

331 This Part applies to any place of employment or worksite where asbestos dust is likely to be released into the atmosphere and workers may be present.

4 Oct 96 cO-1.1 Reg 1 s331.

Prohibition re crocidolite

332 No employer, contractor, owner, worker or self-employed person shall install crocidolite or any mixture containing crocidolite.

4 Oct 96 cO-1.1 Reg 1 s332.

Prohibition re spraying

333 No employer, contractor, owner, worker or self-employed person shall spray asbestos-containing materials.

4 Oct 96 cO-1.1 Reg 1 s333.

Identification of asbestos-containing materials

334(1) Subject to subsection (3), an employer, contractor or owner shall identify and keep a written record of the following materials that the employer, contractor or owner knows or may reasonably be expected to know are present in a place of employment and with which workers may come into contact:

(a) asbestos-containing material;

(b) subject to subsection (2), any material likely to contain asbestos.

(2) Any material likely to contain asbestos is deemed to be asbestos-containing material for the purposes of this Part until the material is determined to be asbestos-free.

(3) An employer, contractor or owner shall immediately identify the presence in a place of employment of all material that is likely to contain asbestos, is damaged or in poor repair and is likely to release asbestos dust into the atmosphere at the place of employment.

(4) An employer, contractor or owner shall ensure that the identification and assessment of asbestos-containing materials pursuant to subsection (1) or the determination of asbestos-free materials pursuant to subsection (2) is performed only by a competent person.

(4.1) An employer, contractor or owner shall ensure that the written record mentioned in subsection (1) includes the following information for each asbestos-containing material or each type of asbestos-containing material:

(a) its location;

(b) its characteristics;

(c) its accessibility.

(4.2) An employer, contractor or owner shall ensure that the written record mentioned in subsection (1) is updated each time asbestos-containing material is added to or removed from the place of employment.

(5) An employer, contractor or owner shall make a copy of the written record mentioned in subsections (1), (3), (4.1) and (4.2) readily available for reference by:

(a) the committee;

(b) the representative; and

(c) the workers.

4 Oct 96 cO-1.1 Reg 1 s334; 21 Mar 2014 SR 5/2014 s5.

Labelling, placarding, etc.

335(1) Where workers have access to asbestos-containing materials identified pursuant to subsection 334(1), an employer, contractor or owner shall ensure that:

(a) the asbestos-containing materials are clearly and conspicuously labelled as asbestos;

(b) the presence and location of the asbestos-containing materials are clearly indicated on a placard that is posted in a conspicuous location as close as possible to the asbestos-containing materials; or

(c) the presence and location of the asbestos-containing materials are clearly indicated on a map or plan that is readily available to the workers.

(2) An employer, contractor or owner shall ensure that a label, placard, map or plan required by subsection (1) contains a warning of the danger to health from taking asbestos fibres into the body.

(3) An employer, contractor or owner shall provide to all employers, contractors and self-employed persons at the place of employment who may be at risk from any asbestos process all relevant information from the record kept pursuant to subsection 334(1) and any material mentioned in subsection 334(2) that is likely to be disturbed and may release asbestos dust.

4 Oct 96 cO-1.1 Reg 1 s335.

Inspection

336(1) An employer, contractor or owner shall ensure that all friable asbestos-containing material and all sprayed-on asbestos surfaces are regularly inspected by the employer, contractor or owner and are inspected at least annually by a competent person to confirm that the material is not releasing, and is not likely to release, asbestos dust into the atmosphere.

(2) An employer, contractor or owner shall keep a written record of the annual inspection mentioned in subsection (1) and make a copy of the record available for reference by the workers.

4 Oct 96 cO-1.1 Reg 1 s336.

Asbestos processes

337(1) An employer or contractor shall:

(a) ensure that every asbestos process is carried out in a manner that prevents, to the extent that is practicable, the release into the air of asbestos dust;

(b) in consultation with the committee, develop an asbestos control plan that protects the health and safety of all workers in the event of the dispersal of asbestos dust into the atmosphere at a place of employment or worksite; and

(c) implement the asbestos control plan developed pursuant to clause (b).

(2) A plan developed pursuant to subsection (1) must be in writing and must include:

(a) the emergency procedures to be used in case of an uncontrolled release of asbestos, including:

(i) the means to protect exposed workers;

(ii) the methods to confine and control the release of asbestos; and

(iii) the decontamination procedures to be used;

(b) the asbestos processes that workers may undertake;

(c) the training of workers in any asbestos process the workers may be required or permitted to undertake;

(d) the methods to control the release of asbestos dust;

(e) the personal protective equipment that workers may be required to use;

(f) the decontamination procedures for:

(i) the worksite; and

(ii) the workers who undertake any asbestos process; and

(g) the inspection and maintenance schedule for all asbestos-containing materials.

(3) An employer or contractor shall make a copy of the plan developed pursuant to subsection (1) readily available for reference by workers.

(4) Where an asbestos process is undertaken, an employer, contractor or owner shall ensure that:

(a) the area is effectively isolated or otherwise enclosed to prevent the escape of asbestos dust to any other part of the place of employment;

(b) a warning notice is conspicuously displayed indicating that asbestos work is in progress;

(c) all asbestos-containing materials removed are placed in appropriate receptacles that are impervious to asbestos and that are clearly labelled "Asbestos"; and

(d) the receptacles mentioned in clause (c) are handled and transported in a manner that will protect them from physical damage.

4 Oct 96 cO-1.1 Reg 1 s337.

Asbestos surfaces

338 An employer, contractor or owner shall ensure that:

(a) every asbestos surface is kept in good condition;

(b) all repairs and sealing necessary to prevent the breaking-off of asbestos or the release of asbestos dust from an asbestos surface are done immediately;

(c) no asbestos surface is disturbed for the purpose of maintenance, replacement, removal or repair until the surface is thoroughly wetted throughout the entire thickness; and

(d) where it is not practicable to comply with clause (c):

(i) the asbestos surface is kept wet while the surface is being disturbed; or

(ii) effective means are used to capture, at source, any dust created by the disturbance.

4 Oct 96 cO-1.1 Reg 1 s338.

Ventilation equipment

339(1) Where exhaust ventilation equipment is used to contain asbestos dust, an employer, contractor or owner shall ensure that the equipment is:

(a) equipped with a HEPA filter;

(b) inspected regularly for defects;

(c) maintained; and

(d) certified by a competent person at least once each year as being able to function safely and effectively.

(2) Where exhaust ventilation equipment will exhaust into the interior of a place of employment that is occupied by workers, an employer, contractor or owner shall ensure that the equipment is tested in an approved manner by a competent person before beginning an asbestos process to ensure that the equipment is able to function safely and effectively.

4 Oct 96 cO-1.1 Reg 1 s339.

Personal protective equipment

340(1) Where effective local exhaust ventilation equipment is not used, an employer, contractor or owner shall ensure that each worker who may be exposed to asbestos dust resulting from an asbestos process is provided with and uses:

(a) an approved respiratory protective device that is appropriate to the level of risk of the asbestos process and that meets the requirements of Part VII; and

(b) approved protective clothing that, when worn, will exclude asbestos dust.

(2) An employer shall ensure that protective clothing:

(a) is disposed of as asbestos waste after use; or

(b) is kept, maintained and cleaned in a safe manner each time it is used.

4 Oct 96 cO-1.1 Reg 1 s340.

Asbestos waste

341(1) Subject to subsection (3), an employer or contractor shall ensure that asbestos waste or dust produced in a place of employment is cleaned away promptly, and at least once each day, by vacuum cleaning equipment equipped with a HEPA filter to prevent the escape of asbestos dust into the air or, where vacuum cleaning is not practicable, by wet methods.

(2) An employer or contractor shall ensure that the vacuum cleaning equipment mentioned in subsection (1):

(a) is inspected regularly for defects;

(b) is maintained; and

(c) is certified by a competent person at least once each year as being able to function safely and effectively.

(3) Subsection (1) does not apply to vacuum cleaning equipment used within an effectively isolated enclosure that is being used to control the release of asbestos dust.

(4) An employer or contractor shall ensure that workers who are employed in the disposal of asbestos wastes are adequately trained in the safe means of handling those wastes and the proper disposal of those wastes in a manner that will not create a hazard to the health or safety of workers at the disposal site.

4 Oct 96 cO-1.1 Reg 1 s341.

Warning of health risks

342 An employer shall ensure that workers who are likely to be employed in an asbestos process or are likely to be exposed to asbestos dust are informed of the nature and extent of the risk to their health, including a warning that:

(a) the inhalation of asbestos may cause:

(i) pneumoconiosis;

(ii) lung cancer; or

(iii) mesothelioma; and

(b) the risk of injury to health caused by the inhalation of asbestos is increased by smoking.

10 Aug 2007 SR 67/2007 s25.

Training

343(1) An employer shall ensure that each worker who may be exposed to asbestos dust resulting from an asbestos process is provided with training in the safe handling of asbestos that is appropriate to the level of risk of the asbestos process as set out in Table 5 of the Appendix.

(2) No worker shall work in an asbestos process unless the worker has completed the training mentioned in subsection (1).

4 Oct 96 cO-1.1 Reg 1 s343.

High risk asbestos processes

344 Where a high risk asbestos process set out in Table 5 of the Appendix has been completed, an employer or contractor shall ensure that no worker is required or permitted to enter the area where the asbestos process was carried out without an approved respiratory protective device until a competent person determines that:

(a) there are no visible signs of debris in that area; and

(b) air monitoring verifies that airborne asbestos fibre concentrations are less than 0.01 fibres per cubic centimetre of air.

4 Oct 96 cO-1.1 Reg 1 s344.

Medical examinations

345(1) In this section, **"worker"** means a worker who is regularly employed in an asbestos process.

(1.1) Not less than once every two years and with consent of the worker, the employer shall:

(a) offer to arrange for a medical examination of the worker during the worker's normal working hours; and

(b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover.

(2) Where a worker cannot attend a medical examination mentioned in subsection (1.1) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.

(3) A medical examination arranged pursuant to subsection (1.1) must include:

(a) a comprehensive medical history and physical examination with special attention to the respiratory system;

(b) lung-function tests, including forced vital capacity and forced expiratory volume at one second; and

(c) any further medical investigations that are necessary for the diagnosis of an asbestos-related disease.

4 Oct 96 cO-1.1 Reg 1 s345; 10 Aug 2007 SR 67/2007 s26.

PART XXIV
Silica Processes and Abrasive Blasting

Interpretation

346 In this Part:

(a) **"abrasive blasting"** means the cleaning, smoothing, roughening or removing of part of the surface of any article by the use of a jet of sand, metal shot, grit or other material;

(b) **"blasting enclosure"** means a chamber, barrel, cabinet or other similar enclosure designed for the purpose of the abrasive blasting of articles;

(c) **"cleaning of castings"** means, in connection with the making of metal castings, the freeing of the castings from adherent sand or other substance containing more than 5% uncombined silica, and includes the removal of cores and the general smoothing of the castings where that freeing is done, but does not include the freeing of castings from scale formed during annealing or heat treatment;

(d) **"sandblasting"** means an abrasive blasting process that uses sand as an abrasive;

(e) **"silica flour"** means the ground material produced by the milling of siliceous rocks or other siliceous substances;

(f) **"silica process"** means a process that may release uncombined silica in a crystalline form in concentrations likely to exceed the contamination limits set out in Table 21 of the Appendix, and includes:

(i) sandblasting;

(ii) the cleaning of castings;

(iii) the abrasive blasting, grinding or dressing of any surface that contains more than 5% uncombined silica, including the engraving or abrasive cleaning of gravestones or structures;

(iv) the getting, cutting, splitting, crushing, grinding, milling, drilling, sieving or other mechanical manipulation of gravel or other siliceous stone or rock that contains more than 5% uncombined silica;

(v) any process in which silica flour is used; and

(vi) the manufacture of silica-containing bricks and the dismantling or repair of silica-containing refractory linings of furnaces;

(g) **"siliceous substances"** includes diatomite;

(h) **"uncombined silica"** means silica that is not combined chemically with any other element or compound.

4 Oct 96 cO-1.1 Reg 1 s346.

Application of Part

347 This Part applies to any place of employment or worksite where a silica process is used.

4 Oct 96 cO-1.1 Reg 1 s347.

Warning of workers

348 An employer shall warn all workers who, in the course of employment, are likely to be engaged in a silica process or are likely to be exposed to silica dust of the dangers to health from the inhalation of dust containing silica.

4 Oct 96 cO-1.1 Reg 1 s348.

Cleaning of blasting equipment, etc.

349 An employer, contractor or owner shall take all practicable steps to prevent the inhalation of silica dust or the dissemination of silica dust into the air of the place of employment during the cleaning or maintenance of any blasting equipment, blasting enclosure, ventilating system or separating equipment.

4 Oct 96 cO-1.1 Reg 1 s349.

Cleaning of worksites

350 An employer or contractor shall ensure that all worksites and work-related areas where dust from a silica process may affect the health or safety of a worker are regularly cleaned using a vacuum that has a HEPA filter on the exhaust or, where a vacuum is not practicable, by using wet methods.

4 Oct 96 cO-1.1 Reg 1 s350.

Silica processes other than abrasive blasting

351(1) Where a silica process other than abrasive blasting is carried on, an employer or contractor shall ensure that the entry of dust into the air where workers may be present is prevented, to the extent that is practicable, by the provision of:

(a) total or partial enclosure of the process;

(b) efficient local exhaust ventilation;

(c) jets or sprays of a suitable wetting agent; or

(d) any other method that provides equivalent protection to the workers.

(2) An employer or contractor shall ensure that any enclosure, apparatus or exhaust-ventilation equipment provided pursuant to subsection (1) is:

(a) maintained in accordance with subsections 67(2) and (3);

(b) inspected daily when in use; and

(c) certified as safe and effective by a competent person at least once each year.

(3) An employer or contractor shall ensure that no air discharged from a ventilation system provided pursuant to subsection (1) is recirculated in the place of employment unless the air is passed through an effective dust removal system equipped with a device that will provide a warning to workers when the system is not working effectively.

4 Oct 96 cO-1.1 Reg 1 s351; 31 Jan 97 SR 6/97 s12.

Isolation from air containing dust

352 Where it is not practicable to prevent the entry into the air of dust from a silica process, an employer or contractor shall, where it is practicable, provide for the isolation of workers from the air containing the dust.

4 Oct 96 cO-1.1 Reg 1 s352.

Personal protective equipment

353(1) An employer or contractor shall provide, and require a worker to wear, a respiratory protective device and other personal protective equipment that meet the requirements of Part VII where:

(a) the protective measures required by section 351 or 352 are not practicable; or

(b) the worker is employed in cleaning and maintenance work and may be exposed to dust from a silica process.

(2) For workers engaged in abrasive blasting, an employer or contractor shall provide and maintain approved blasting hoods supplied with air:

(a) of a volume of not less than 170 litres per minute at a pressure of not more than 140 kilopascals; and

(b) that is clean and at a reasonable temperature.

(3) For workers who may be exposed to dust resulting from abrasive blasting, an employer or contractor shall provide and maintain respiratory protective devices that meet the requirements of Part VII.

4 Oct 96 cO-1.1 Reg 1 s353.

Standards for blasting enclosures

354(1) An employer or contractor shall ensure that every blasting enclosure is:

(a) constructed, operated and maintained to prevent the escape of dust;

(b) provided with an efficient, dust-extraction system, that is operated continuously whenever the blasting enclosure is in use, whether or not abrasive blasting is actually taking place; and

(c) provided with efficient equipment for separating the abrasive from the dust, to the extent that is practicable.

(2) An employer or contractor shall ensure that an abrasive is not reintroduced into a blasting apparatus until the abrasive has been separated from the dust pursuant to clause (1)(c).

(3) An employer or contractor shall ensure that:

(a) a blasting enclosure is inspected daily when in use;

(b) a blasting enclosure, the equipment connected with the enclosure and the ventilating system associated with the enclosure are thoroughly examined and tested regularly by a competent person; and

(c) all defects identified pursuant to this section are remedied immediately.

(4) A competent person who carries out examinations and testing pursuant to clause (3)(b) shall record the results of those examinations and tests.

4 Oct 96 cO-1.1 Reg 1 s354.

Use of blasting enclosures

355 An employer or contractor shall ensure that:

(a) to the extent that is practicable, no abrasive blasting of articles that are likely to give rise to dust containing uncombined silica is done other than in a blasting enclosure;

(b) where practicable, no sand or other substance containing more than 1% by weight of uncombined silica is used for abrasive blasting in a blasting enclosure; and

(c) no work is performed in a blasting enclosure except:

(i) abrasive blasting and work immediately incidental to abrasive blasting; and

(ii) cleaning and maintenance of the blasting enclosure, the equipment associated with the blasting enclosure and the ventilation system.

4 Oct 96 cO-1.1 Reg 1 s355.

Sandblasting

356(1) An employer or contractor shall ensure that no sandblasting is done to any article outside a blasting enclosure where it is reasonably practicable to introduce the article into a blasting enclosure.

(2) An employer or contractor shall ensure that no sandblasting is done inside any structure or confined space without:

(a) obtaining the written permission of the director; and

(b) complying with any conditions that the director may specify.

4 Oct 96 cO-1.1 Reg 1 s356.

Silica flour

357 An employer or contractor shall ensure that no silica flour is used:

(a) for any purpose for which a less hazardous substance may be substituted; or

(b) in the manufacture of scouring powder or abrasive soaps or as an abrasive in any process.

4 Oct 96 cO-1.1 Reg 1 s357.

Medical examinations

358(1) In this section, **"worker"** means a worker who is regularly employed in a silica process.

(1.1) Not less than once every two years and with consent of the worker, the employer shall:

(a) offer to arrange for a medical examination of the worker during the worker's normal working hours; and

(b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover.

(2) Where a worker cannot attend a medical examination mentioned in subsection (1.1) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.

(3) A medical examination arranged pursuant to subsection (1.1) must include:

(a) a comprehensive medical history and physical examination with special attention to the respiratory system;

(b) lung-function tests, including forced vital capacity and forced expiratory volume at one second; and

(c) any further medical investigations that are necessary for the diagnosis of a silica-related disease.

4 Oct 96 cO-1.1 Reg 1 s358; 10 Aug 2007 SR 67/2007 s27.

PART XXV
Fire and Explosion Hazards

Interpretation

359 In this Part:

(a) **"combustible liquid"** means a liquid that has a flashpoint at or above 37.8° Celsius and below 93.3° Celsius;

(b) **"container"** means a stationary or portable vessel that is used to contain a flammable substance, and includes a tank, tank car, tank truck and a cylinder;

(c) **"flammable liquid"** means a liquid that has a flashpoint below 37.8° Celsius and has a vapour pressure not exceeding 275.8 kilopascals at 37.8° Celsius;

(d) **"flammable substance"** means:

(i) a flammable or combustible solid, liquid or gas; or

(ii) dust that is capable of creating an explosive atmosphere when suspended in air in concentrations within the explosive limit of the dust;

(e) **"hot work"** means work that produces arcs, sparks, flames, heat or other sources of ignition;

(f) **"system"** means a system into which compressed or liquified gases are delivered and stored and from which the compressed or liquified gas is discharged in the liquid or gaseous form, and includes containers, pressure regulators, pressure relief devices, manifolds, interconnecting piping and controls.

4 Oct 96 cO-1.1 Reg 1 s359.

Fire safety plan

360(1) An employer, contractor or owner shall:

(a) take all reasonably practicable steps to prevent the outbreak of fire at a place of employment and to provide effective means to protect workers from any fire that may occur; and

(b) develop and implement a written fire safety plan that provides for the safety of all workers in the event of a fire.

(2) A plan developed pursuant to subsection (1) must include:

(a) the emergency procedures to be used in case of fire, including:

(i) sounding the fire alarm;

(ii) notifying the fire department; and

(iii) evacuating endangered workers, with special provisions for workers with disabilities;

(b) the quantities, locations and storage methods of all flammable substances present at the place of employment;

(c) the designation of persons to carry out the fire safety plan and the duties of the designated persons;

(d) the training of designated persons and workers in their responsibilities for fire safety;

(e) the holding of fire drills; and

(f) the control of fire hazards.

(3) An employer, contractor or owner shall ensure that:

(a) designated persons and workers who have been assigned fire safety duties are adequately trained in, and implement, the fire safety plan;

(b) the fire safety plan is posted in a conspicuous place for reference by workers; and

(c) a fire drill is held at least once during each 12-month period.

4 Oct 96 cO-1.1 Reg 1 s360.

Fire extinguishers

361(1) An employer, contractor or owner shall ensure that portable fire extinguishers are selected, located, inspected, maintained and tested so that the health and safety of workers at the place of employment is protected.

(2) An employer, contractor or owner shall ensure that portable fire extinguishers are placed not more than nine metres away from:

(a) each industrial open-flame portable heating device, tar pot or asphalt kettle that is in use; and

(b) each welding or cutting operation that is in progress.

4 Oct 96 cO-1.1 Reg 1 s361.

Garbage as fire hazard

362 Where garbage that may constitute a fire hazard is present at a place of employment, an employer, contractor or owner shall provide covered receptacles for the garbage that are suitable to the nature of the hazard.

4 Oct 96 cO-1.1 Reg 1 s362.

Procedures for flammable substances

363(1) Where a flammable substance is or is intended to be handled, used, stored, produced or disposed of at a place of employment, an employer, contractor or owner shall develop written procedures to ensure the health and safety of workers who:

(a) handle, use, store, produce or dispose of a flammable substance that may spontaneously ignite or ignite when in combination with any other substance; or

(b) perform hot work where there is a risk of fire.

(2) An employer, contractor or owner shall ensure that all workers who are required or permitted to perform work mentioned in subsection (1) are trained in, and implement, the procedures developed pursuant to subsection (1).

(3) Workers who perform work mentioned in subsection (1) shall implement the procedures developed pursuant to subsection (1).

4 Oct 96 cO-1.1 Reg 1 s363.

Receptacles for materials contaminated by flammable liquids

364(1) An employer, contractor or owner shall ensure that materials contaminated by flammable liquids are placed in receptacles that:

(a) are non-combustible and have close-fitting metal covers;

(b) are labelled “flammable”; and

(c) are located at least one metre away from other flammable liquids.

(2) Where the surface on which a receptacle required by subsection (1) is placed is combustible, an employer shall ensure that the receptacle has a flanged bottom or legs that are not less than 50 millimetres high.

(3) A worker shall place materials contaminated by flammable liquids and garbage that may constitute a fire hazard into the appropriate receptacle required by this section or by section 362.

4 Oct 96 cO-1.1 Reg 1 s364.

Receptacles for combustible or flammable liquids

365 An employer, contractor or owner shall ensure that combustible and flammable liquids are kept in receptacles that meet the requirements of the *National Fire Code of Canada 1990*, including any Revisions and Errata published from time to time, respecting the storage of flammable and combustible liquids.

4 Oct 96 cO-1.1 Reg 1 s365.

Hazardous activities involving combustible or flammable liquids

366(1) An employer or contractor shall ensure that:

(a) no gasoline is used to start a fire or used as a cleaning agent; and

(b) no worker is required or permitted:

(i) to replenish a tank on a heating device with a combustible or flammable liquid while the device is in operation or is hot enough to ignite the liquid; or

(ii) to place a tar pot, while in use, within three metres of an entrance to or exit from a building.

(2) A worker shall not:

(a) use gasoline to start a fire or use gasoline as a cleaning agent; or

(b) replenish a tank on a heating device with a flammable or combustible liquid while the device is in operation or is hot enough to ignite the liquid.

4 Oct 96 cO-1.1 Reg 1 s366.

Control of ignition sources, static charges

367 An employer or contractor shall ensure that:

(a) suitable procedures are developed and implemented to prevent the ignition of flammable liquids or explosive dusts that are present at a worksite;

(b) all sources or potential sources of ignition are eliminated or controlled where an explosive atmosphere exists or is likely to exist; and

(c) static charge accumulations during transfer of flammable liquids or explosive substances from one container to another are prevented by electrically bonding the containers.

4 Oct 96 cO-1.1 Reg 1 s367.

Flammable liquids, gases or explosive substances in vehicles

368(1) An employer shall ensure that no worker undertakes any servicing or maintenance of a vehicle while a flammable liquid or gas or an explosive substance:

(a) is loaded into or unloaded from the vehicle; or

(b) is present in the vehicle in any place other than the fuel tank.

(2) Where reasonably practicable, a worker who operates a vehicle that contains a flammable liquid or gas or an explosive substance shall ensure that the engine of the vehicle is shut off during the connection or disconnection of the lines for the loading or unloading of the flammable liquid, gas or explosive substance.

4 Oct 96 cO-1.1 Reg 1 s368.

Flammable or explosive substance in atmosphere

369(1) Where a flammable or explosive substance is present in the atmosphere of a worksite at a level that is more than 20% of the lower explosive limit of that substance, an employer or contractor shall not require or permit a worker to enter or work at the worksite.

(2) Subsection (1) does not apply to:

(a) a fire fighter who has been trained pursuant to section 482; or

(b) a competent worker who meets the requirements of subsection (3) and who is acting in an emergency situation at the place of employment.

(3) An employer shall ensure that:

(a) the competent worker mentioned in clause (2)(b) is trained, equipped and works according to an approved standard;

(b) the training required by clause (a) is provided by a competent person; and

(c) a written record is kept of all training delivered to a worker pursuant to clause (a).

4 Oct 96 cO-1.1 Reg 1 s369; 10 Aug 2007 SR 67/2007 s28.

Hot work

370(1) Where a flammable substance is or may be present, an employer or contractor shall ensure that no hot work is performed until:

(a) suitable tests have been conducted that:

(i) indicate whether the atmosphere contains a flammable substance in a quantity sufficient to create an explosive atmosphere; and

(ii) confirm that the work may be safely performed; and

(b) the work procedures developed pursuant to clause 363(1)(b) have been implemented to ensure continuous safe performance of the work.

(2) While hot work is being performed, an employer or contractor shall conduct tests described in clause (1)(a) at intervals appropriate to the work being performed and record the results.

(3) An employer or contractor shall not require or permit any hot work to be performed in the vicinity of a material that may constitute a fire hazard until suitable steps have been taken to reduce the risk of fire.

(4) An employer or contractor shall ensure that a container or piping that contains or has contained a flammable substance is purged using an effective method to remove the flammable substance from the container or piping before any hot work is begun on that container or piping.

(5) An employer or contractor shall not require or permit any welding or cutting of metal that has been cleaned with a flammable or combustible liquid until the metal has thoroughly dried.

4 Oct 96 cO-1.1 Reg 1 s370.

Compressed and liquified gas systems

371(1) An employer or contractor shall:

(a) develop and implement written procedures for the safe installation, use and maintenance of a system;

(b) make readily available for reference by workers the procedures developed pursuant to clause (a) before requiring or permitting the use of the system; and

(c) ensure that all workers are trained in and implement the procedures developed pursuant to clause (a).

(2) The workers shall implement the procedures developed pursuant to clause (1)(a).

(3) An employer or contractor shall ensure:

(a) that a system:

(i) is not exposed to temperatures that may result in the failure of the system or explosion of the contents of the system;

(ii) is maintained in a clean state, free from oil, grease or other contaminant that may cause a failure of the system or that may burn or explode if the contaminant comes into contact with the contents of the system; and

(iii) is located, guarded and handled during filling, transportation, use and storage so that the system is protected from damage;

(b) that service valve outlets and the extensions of service valve outlets of containers that are not connected to any apparatus are capped; and

(c) where equipment is designed for use with a particular compressed or liquified gas or gases, that:

(i) only those gases are used in the equipment; and

(ii) the equipment is clearly labelled as being only for that use.

(4) A worker shall:

(a) take all reasonable steps to ensure that sparks, flames or other sources of ignition do not come into contact with a system;

(b) maintain a system in a clean state, free from oil, grease or any other contaminant; and

(c) secure the cap in place before transporting a container.

4 Oct 96 cO-1.1 Reg 1 s371.

Oxygen

372(1) An employer or contractor shall ensure that no oil, grease or other contaminant contacts a cylinder, valve, regulator or any other fitting of an oxygen-using apparatus or an oxygen distribution or generating system.

(2) An employer or contractor shall ensure that oxygen is not used as a substitute for compressed air:

(a) in pneumatic tools;

(b) to create pressure;

(c) for ventilating purposes; or

(d) to blow out a pipeline.

(3) A worker shall not use oxygen as a substitute for compressed air:

(a) in pneumatic tools;

(b) to create pressure;

(c) for ventilating purposes; or

(d) to blow out a pipeline.

4 Oct 96 cO-1.1 Reg 1 s373.

Gas burning and welding equipment

373(1) Where gas burning or welding equipment is in use, an employer or contractor shall ensure that:

(a) approved flashback devices are installed on both hoses at the regulator end; and

(b) acetylene and liquified gas containers are used and stored in an upright position.

(2) A worker shall shut off the container valve and release the pressure in the hose when the worker has finished with any gas burning or welding equipment and is not likely to use it within the next two hours.

4 Oct 96 cO-1.1 Reg 1 s373.

Piping

374(1) Where workers are required or permitted to work on piping that may contain harmful substances or substances under pressure, an employer or contractor, in consultation with the committee, shall develop written procedures to protect the workers from contact with those substances.

(2) The procedures developed pursuant to subsection (1) must include:

(a) the installation of a blank that is appropriate for the proper pressure in the piping;

(b) the closing of two blocking valves installed in the piping and the opening of a bleed-off valve installed between the blocking valves;

(c) the installation of an approved safety device; or

(d) where the procedures mentioned in clauses (a), (b) and (c) are not reasonably practicable, any other procedures that are adequate to protect the health and safety of the workers.

(3) An employer or contractor shall ensure that all workers are trained in and implement the procedures developed pursuant to subsection (1).

(4) An employer or contractor shall ensure that:

(a) the piping mentioned in clause (2)(a) is clearly marked to indicate that a blank has been installed; or

(b) the two blocking valves mentioned in clause (2)(b) or the approved safety device mentioned in clause (2)(c):

(i) are locked in the closed position and the bleed-off valve is locked in the open position; and

(ii) are tagged to indicate that the valves must not be activated until the tags are removed by a worker designated by the employer for that purpose.

(5) An employer or contractor shall ensure that a worker designated pursuant to subclause (4)(b)(ii):

(a) monitors the valves to ensure that they are not activated while a worker is working on the piping; and

(b) records on the tag mentioned in subclause (4)(b)(ii) the date and time of each monitoring and signs the tag each time the worker monitors the valves.

(6) An employer or contractor shall ensure that any valve installed on piping mentioned in this section is clearly marked to indicate the open and closed positions.

4 Oct 96 cO-1.1 Reg 1 s374.

PART XXVI
Explosives

Application of Part

375 This Part applies to all blasting activities, except blasting activities governed by *The Mines Regulations* or *The Sedimentary Basin Geophysical Exploration Regulations, 1985.*

4 Oct 96 cO-1.1 Reg 1 s375.

Qualifications of workers

376(1) An employer or contractor who plans to conduct blasting activities shall ensure that a worker who is to undertake a blasting operation:

(a) has been thoroughly trained in:

(i) the estimation of the amount of explosives required, and in placing, priming and initiating the charge;

(ii) the appropriate procedures to be followed to ensure the safety of other workers;

(iii) the procedures to be followed in the event of a misfire; and

(iv) the examination of the site after blasting to ensure that it is safe to return to the site;

(b) has demonstrated competence to carry out the procedures mentioned in clause (a);

(c) has a thorough knowledge of all federal and provincial statutes, regulations and codes of practice pertaining to the safe use of explosives that are relevant to the blasting operation in question; and

(d) holds a written authorization to blast signed by the worker's employer.

(2) A worker shall not undertake a blasting activity until the worker possesses written authorization to blast signed by the worker's employer.

4 Oct 96 cO-1.1 Reg 1 s376.

Written procedures

377(1) An employer or contractor shall ensure that appropriate written procedures are provided to a worker who conducts a blasting operation to ensure the safety of the worker and any other person in the vicinity of the blasting operation.

(2) A worker who undertakes a blasting activity shall follow the procedures provided by the employer or contractor pursuant to subsection (1).

4 Oct 96 cO-1.1 Reg 1 s377.

Equipment

378 An employer or contractor shall provide a worker who is to undertake a blasting operation with suitable testing and detonating equipment.

4 Oct 96 cO-1.1 Reg 1 s378.

Storage and transportation of explosives

379(1) An employer or contractor shall ensure that all explosives are stored or transported:

(a) in suitable sealed containers that are conspicuously marked "Danger – Explosives"; and

(b) in a manner that prevents the explosives from coming into contact with any flammable substance or other agent that may cause the explosives to detonate.

(2) An employer or contractor shall ensure that all explosives are kept in a secure location that is accessible only to authorized workers.

4 Oct 96 cO-1.1 Reg 1 s379.

PART XXVII
Demolition Work

Interpretation

380 In this Part, **"demolition"** means the tearing down, destroying, breaking up or razing of a structure, and includes the demolition of any major part of a structure that involves outer walls or principal supporting members.

4 Oct 96 cO-1.1 Reg 1 s380.

Before demolition begins

381(1) Before a demolition begins, an employer, contractor or owner shall ensure that:

(a) all chemical or biological substances that may be hazardous to workers during demolition are removed from the structure or the part of the structure that is being demolished;

(b) all glass is removed from the structure or the part of the structure that is being demolished; and

(c) subject to subsection (2), all gas, electrical, telecommunications, sewer and water services connected to the structure or the part of the structure that is being demolished are disconnected.

(2) Where power is required for illumination or other purposes, an employer, contractor or owner shall provide a suitably located temporary power service.

4 Oct 96 cO-1.1 Reg 1 s381.

Stability of adjacent structures

382 Where the demolition of a structure may affect the stability of an adjoining structure, an employer, contractor or owner shall ensure that:

(a) the demolition is carried out in accordance with procedures certified in writing by a professional engineer to safeguard the stability of the adjoining structure; and

(b) a copy of the procedures required by clause (a) is kept at the worksite during demolition.

4 Oct 96 cO-1.1 Reg 1 s382.

Requirements re workers

383 In a demolition, an employer, contractor or owner:

(a) shall appoint a competent supervisor to be in charge of the demolition at all times that the work is in progress;

(b) shall ensure that all workers or equipment are located clear of any falling material; and

(c) where a worker is or may be present in a building during its demolition, shall ensure that the demolition is performed floor by floor from the top downward.

4 Oct 96 cO-1.1 Reg 1 s383.

Demolition procedures

384 In a demolition, an employer, contractor or owner shall ensure that:

(a) dust from the demolition is controlled to the extent that is reasonably practicable;

(b) materials and debris are not allowed to accumulate in any area to the extent that the materials and debris cause overloading of a structure that could result in the collapse of all or part of the structure;

(c) any opening or hole in a floor, roof or other surface on which workers are required or permitted to walk or stand is guarded or covered as required by section 124;

(d) a free-standing scaffold is used in the demolition of a building shaft from the inside;

(e) steel structures are dismantled column length by column length and tier by tier from the top downward; and

(f) no wall or other part of the structure being demolished is left in an unstable condition or in danger of accidental collapse except during the actual demolition of that wall or part of the structure.

4 Oct 96 cO-1.1 Reg 1 s384.

Material chutes

385(1) An employer, contractor or owner shall ensure that a material chute steeper than 45° from the horizontal is constructed to enclose the material placed in the chute.

(2) Where a material chute presents a danger to workers, an employer, contractor or owner shall ensure that a guardrail is installed around the top of the chute to prevent workers from falling into the chute.

4 Oct 96 cO-1.1 Reg 1 s385.

Structural members

386(1) An employer, contractor or owner shall ensure that structural members that are being removed are not under any stress other than the member's own weight and are secured or supported to prevent any unexpected movement.

(2) Where a structural member is being hoisted by a crane or other similar lifting device from a structure being demolished or from the demolition rubble, an employer, contractor or owner shall ensure that the hoisting line is in a vertical position and is over the centre of gravity of the load in a manner that will reduce the danger to workers from a swinging or uncontrolled load.

4 Oct 96 cO-1.1 Reg 1 s386.

Use of powered mobile equipment

387(1) Before powered mobile equipment is placed on a floor, roof or other surface on which workers are required or permitted to walk or stand for the purpose of demolishing a structure, an employer, contractor or owner shall ensure that the floor, roof or other surface is capable of supporting the load that may be placed on the floor, roof or other surface.

(2) Where powered mobile equipment is used for the purpose of demolishing a structure, an employer, contractor or owner shall ensure that safe work procedures are developed and implemented.

4 Oct 96 cO-1.1 Reg 1 s387.

Use of explosives

388 Where a structure is to be demolished by explosives, an employer, contractor or owner shall:

(a) ensure that a competent person develops a demolition procedure to protect the health and safety of workers;

(b) submit a copy of the demolition procedure to the division not less than 30 days before the proposed date of the demolition; and

(c) ensure that the worker who undertakes the blasting activity has the training, competence and knowledge described in clauses 376(1)(a) to (c).

4 Oct 96 cO-1.1 Reg 1 s388.

PART XXVIII
Forestry and Mill Operations

Interpretation

389 In this Part:

(a) **"bucking"** means sawing a log or felled tree into smaller lengths;

(b) **"chicot"** means a dead or damaged tree or a dead or damaged limb of a tree;

(c) **"cutting"** includes felling, limbing and bucking;

(d) **"felling"** means cutting a tree from the tree's stump and bringing the tree to the ground;

(e) **"forestry operation"** means the cutting or harvesting of trees, and includes the transporting of logs and the preparing of sites for tree planting and seeding;

(f) **"limbing"** means removing limbs from a tree that has been felled;

(g) **"lodged tree"** means a tree that has not fallen to the ground after being partly or wholly separated from the tree's stump or displaced from the tree's natural position;

(h) **"mill operation"** means the operation of a pulp mill, paper mill, sawmill, plywood mill, wafer-board mill or strand-board mill, and includes the operation of equipment that is designed to manufacture or process wood products;

(i) **"skidder operator"** means a worker who operates a skidder or who operates any other powered mobile equipment to perform the work of a skidder;

(j) **"skidding"** means moving logs or trees by pulling the logs or trees across the terrain;

(k) **"snag"** means any material or object that may interfere with the safe movement of a tree or log or that may endanger a worker;

(l) **"stake"** means a wooden or metal post or a post made of other material of equivalent strength that is used to support and prevent the lateral movement of logs;

(m) **"windfall"** means a tree blown down by wind;

(n) **"wood products"** includes pulp, pulpwood, paper, veneer, plywood, lumber, timber, poles, posts, chips, wafers and other products resulting from a forestry operation.

4 Oct 96 cO-1.1 Reg 1 s389.

Application of Part

390 This Part applies to all forestry operations and mill operations.

4 Oct 96 cO-1.1 Reg 1 s390.

First aid attendant

391 Notwithstanding section 52, where a worker is cutting or skidding, an employer or contractor shall ensure that a first aid attendant with a class A qualification is readily available at all times.

4 Oct 96 cO-1.1 Reg 1 s391.

Cutting and skidding – general requirements

392(1) During cutting and skidding operations, an employer or contractor shall ensure that:

(a) workers who do not have duties associated with cutting and skidding are not permitted to enter the area where those operations are carried out while they are being carried out;

(b) a worker fells all timber that is adjacent to a proposed landing or other place where workers will work and that may create a hazard to workers before the landing or other place is used;

(c) no worker fells a tree within range of a travelled road unless effective means are taken to stop traffic until the tree has been felled and the tree and all debris that creates a risk to the health or safety of a worker have been removed from the road; and

(d) a worker closely limbs trees:

(i) before the trees are placed on a rollway; or

(ii) where the limbs may create a risk to the health or safety of a worker.

(2) An employer or contractor shall ensure that:

(a) no person enters a felling area unless the worker engaged in felling has advised the person entering the area that it is safe to enter;

(b) workers are instructed in, and comply with, the duties set out in subsection (3), subsection 146(4), sections 393 and 394, subsections 395(3), 397(3) and 398(2), section 400 and subsection 401(11);

(c) every worker engaged in conventional logging has, within six months after commencing employment, successfully completed an approved course in conventional logging safety; and

(d) a worker who has completed an approved course as required by clause (c) maintains any designation or certification that is earned through completing that course.

(3) A worker shall not work on a hillside below a cutting or skidding operation where a danger may exist from a tree or log rolling or moving downhill towards the worker.

4 Oct 96 cO-1.1 Reg 1 s392; 10 Aug 2007 SR 67/2007 s29.

Cutting

393 During cutting operations, a worker shall:

(a) remove any chicot or any other hazard to the worker or any other worker in the vicinity before any other tree is felled;

(b) remain at a safe distance from, and not fell a tree onto, any tree that is lodged or may be dangerous for any other reason; and

(c) move quickly to a predetermined safe position when a tree starts to fall.

4 Oct 96 cO-1.1 Reg 1 s393.

Felling

394(1) Before starting to fell a tree, a worker shall:

(a) clear away adjacent brush to provide sufficient room to work and to provide a path at a 45° angle from the direction opposite to the planned direction of fall to a safe position; and

(b) ensure that no other worker is located closer than 60 metres to the tree being felled.

(2) Before a felling cut is begun on a tree with a trunk that has a diameter of 15 centimetres or more, a worker shall:

(a) undercut the trunk to control the direction of the fall; and

(b) ensure that:

(i) the depth of the undercut is at least one third of the diameter of the tree trunk at that point; and

(ii) both cuts that form the undercut meet at that depth.

(3) After making an undercut, a worker shall:

(a) remove the wood from the undercut before the back cut is started and leave sufficient holding wood in the back cut side to control the direction of the fall of the tree; and

(b) ensure that the back cut is above the undercut at a distance that does not exceed 100 millimetres from the undercut.

(4) Where a worker cannot safely complete the felling of a tree or a tree that a worker is felling has become unsafe, the worker shall:

(a) remain in the area in a safe location: and

(b) do no further work until a skidder operator fells the tree.

4 Oct 96 cO-1.1 Reg 1 s394.

Partially cut trees

395(1) Subject to subsection (2), where a tree is partially cut, an employer or contractor shall ensure that the worker immediately completes the felling of the tree.

(2) If a partially cut tree cannot be completely felled or sits back on the stump, an employer or contractor shall ensure that the worker remains in the area in a safe location and does no further work until a skidder operator assists the worker to fell the tree safely.

(3) A worker shall not fell a tree or undertake any other activity until every partially cut tree in the vicinity and every tree in the vicinity that sits back on its stump has been felled.

4 Oct 96 cO-1.1 Reg 1 s395.

Lodged trees

396(1) Where there is a lodged tree, an employer or contractor shall ensure that:

(a) the tree is felled immediately by a skidder operator;

(b) the tree is not climbed by a worker;

(c) a worker does not lower the tree by felling another tree onto the lodged tree; and

(d) a worker does not remove the lodged tree by cutting the supporting tree.

(2) An employer or contractor shall ensure that no worker, other than the worker who is felling a lodged tree, enters the felling area until it is safe to do so.

4 Oct 96 cO-1.1 Reg 1 s396.

Mechanized fellers and limbers

397(1) An employer or contractor shall ensure that:

(a) a mechanized feller or limber is provided with:

(i) adequate protection for the operator, including protection against any falling tree or part of a tree; and

(ii) a cab for the operator with two exits through which the operator can readily escape; and

(b) a mechanized feller is designed and equipped to direct the fall of the tree away from the mechanized feller.

(2) An employer or contractor shall ensure that:

(a) no worker operates a mechanized feller or limber in a location where the stability of the machine cannot be assured; and

(b) no worker operates a mechanized feller within 60 metres of a worker who may be endangered by a falling tree or part of a tree.

(3) A worker shall not:

(a) operate a mechanized feller or limber in a location where the stability of the machine cannot be assured; or

(b) operate a mechanized feller within 60 metres of a worker who may be endangered by a falling tree or part of a tree.

4 Oct 96 cO-1.1 Reg 1 s397.

Bucking and limbing

398(1) Where a worker is bucking or limbing, an employer or contractor shall ensure that the worker:

(a) clears away any brush or object that may create a hazard to the worker;

(b) does not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the side of the tree or log on which the worker is located;

(c) remains at least 60 metres from any tree being felled;

(d) remains in a location safe from any tree or log being skidded or otherwise moved; and

(e) works only on the uphill side of any log that is lying on an incline.

(2) While bucking or limbing, a worker:

(a) shall clear away any brush or object that may create a hazard to the worker;

(b) shall not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the side of the tree or log on which the worker is located;

(c) shall remain at least 60 metres from any tree being felled;

(d) shall remain in a location safe from any tree or log being skidded or otherwise moved; and

(e) shall work only on the uphill side of any log that is lying on an incline.

4 Oct 96 cO-1.1 Reg 1 s398.

Skidding

399(1) During skidding operations, an employer or contractor shall ensure that:

(a) every snag, chicot, lodged tree or windfall that may be hazardous and that is located along or adjacent to a skid trail, haul road or landing is removed; and

(b) a skidder operator pulls down any tree that is lodged or is dangerous for any other reason immediately when the lodged or dangerous tree is reported to the skidder operator.

(2) An employer or contractor shall ensure that a winching machine is equipped with suitable safeguards to protect the operator from flying objects.

(3) An employer or contractor shall ensure that:

(a) no worker other than a skidder operator is required or permitted to ride on any skidder except where the skidder is provided with a second seat that is adequately protected;

(b) a skidder operator is required to discontinue operating when the operation of the skidder may endanger another worker until it is possible for the operation to proceed without danger to the other worker;

(c) a skidder operator does not operate a skidder within 60 metres of a worker who is felling a tree until the worker has signalled that it is safe to operate the skidder; and

(d) a skidder operator does not operate a skidder near the edge of a bank, fill, excavation, incline or any other place where the skidder cannot safely be controlled.

(4) An employer or contractor shall ensure that the skidder operator applies the brakes and, where the terrain is uneven, lowers the blade to the ground when the skidder operator temporarily gets off the skidder.

(5) When a skidder operator parks a skidder, an employer or contractor shall ensure that the skidder operator parks the skidder on even ground and lowers the blade to the ground.

4 Oct 96 cO-1.1 Reg 1 s399.

Skidder operators' responsibilities

400(1) A skidder operator shall:

(a) remove every snag, chicot, lodged tree or windfall that may be hazardous or that is located along or adjacent to any skid trail, haul road or landing; and

(b) where advised that a tree is lodged or otherwise dangerous, immediately remove the tree.

(2) A skidder operator shall not operate the winch at an angle that may cause the skidder to overturn.

(3) A skidder operator shall:

(a) keep any loose winch cable wound up on the winch drum and any choker clear of the ground during travel;

(b) ensure that no worker is located under or near the winch cable or choker cables or in a position to be struck by a winch cable or choker cable if the cable breaks or comes loose; and

(c) attach any choker cable applied to a log no farther from the end of the log than one metre.

(4) Before moving a log, a skidder operator shall ensure that no other worker may be endangered by moving the log.

(5) A skidder operator:

(a) shall not operate the skidder winch except from the seat provided unless a remote control device is provided and used from a safe winching position; and

(b) shall operate the skidder at a speed and in a manner that will prevent the skidder overturning.

(6) When skidding logs to a landing, a skidder operator shall winch the drag up tight to the rear of the skidder to prevent uncontrolled movement of the logs.

(7) Where a worker is attaching a choker to a log on sloping ground, a skidder operator shall lower the blade of the skidder to the ground.

(8) When temporarily getting off a skidder, a skidder operator shall apply the brakes and, where the terrain is uneven, lower the blade to the ground.

(9) When parking a skidder, a skidder operator shall park the skidder on even ground and lower the blade to the ground.

4 Oct 96 cO-1.1 Reg 1 s400.

Loading, unloading and hauling logs

401(1) Where a worker is loading or unloading logs, an employer or contractor shall ensure that the loading and unloading areas are suitably graded and maintained appropriately for the equipment that is being used.

(2) Where a worker is loading or unloading logs with a crane or other type of mechanical loader, an employer or contractor shall ensure that no worker is required or permitted to stand or work under the path of the bucket, grapple or load.

(3) Where a worker is or may be at risk from logs suspended over or near the cab of a vehicle, an employer or contractor shall ensure that the worker is not required or permitted to remain in the cab.

(4) An employer or contractor shall ensure that a worker who is not actively engaged in a loading or unloading operation:

(a) remains at a safe distance from the operation in clear view of the operator; or

(b) if the hazard mentioned in subsection (3) does not exist, remains in the cab of the vehicle.

(5) Where a worker is operating a loader equipped with a clam, an employer or contractor shall ensure that the jaws of the clam secure the entire load.

(6) Where a loader is equipped with a fork, an employer or contractor shall ensure that rear stoppers are provided that are designed and sufficiently strong to prevent any log from falling back on the operator.

(7) An employer or contractor shall ensure that:

(a) a log yard is constructed, arranged, maintained and operated so that a worker may work without exposure to danger from any moving log or equipment; and

(b) a worker does not build a log pile to a height greater than a height that can be safely handled by the equipment used in the stacking and breaking down of the log deck.

(8) An employer or contractor shall ensure that no worker is required or permitted to work on, under or beside the haul unit during loading or unloading.

(9) Where an operator does not have a clear view of the entire loading or unloading operation, an employer or contractor shall ensure that a signaller with a clear view of the operation and visible to the operator is designated pursuant to subsection 132(1) to give all signals necessary to ensure the safety of a worker involved in the loading or unloading operation.

(10) An employer or contractor shall ensure that a worker:

(a) restrains the top log on the outside edge of a vehicle by at least two stakes; and

(b) secures the log load on a vehicle:

(i) to the vehicle body with tie-downs of sufficient size and strength to restrain the logs;

(ii) between each set of stakes; and

(iii) by at least two tie-downs at the rear of the load.

(11) A worker who is engaged in loading or unloading logs shall:

(a) before shutting down and leaving the loader, lower the clam or forks, put the loader in neutral and apply the brakes;

(b) while manually loading, unloading, decking or breaking piles, work only at the end of the logs; and

(c) while loading or unloading logs, work in a safe position in clear view of the operator or signaller.

4 Oct 96 cO-1.1 Reg 1 s401.

Vehicles used to haul logs

402 An owner of a vehicle used to haul logs shall ensure that:

(a) the vehicle is equipped with a bulkhead installed between the cab and the load that is of sufficient size and strength to resist any impact caused by a shifting load;

(b) stakes used to restrain logs on the vehicle are designed, constructed and installed to safely support any load placed against the stakes; and

(c) stake extensions are of a strength equivalent to the strength of the stake and positively secured to the stake to prevent inadvertent detachment.

4 Oct 96 cO-1.1 Reg 1 s402.

Log carriages

403(1) Where sawmill log carriages are used, an employer or contractor shall ensure that no worker is required or permitted to ride on a log carriage.

(2) Where the area immediately behind a log carriage is used as a walkway, an employer or contractor shall ensure that a guardrail is installed between the walkway and the carriage for the full extent of the carriage travel.

(3) An employer or contractor shall ensure that:

(a) suitable devices are installed to stop a log carriage at the end of the carriage's travel in each direction;

(b) a log carriage is equipped with a suitable headblock that is equipped with suitable dogs that are used to secure the log during the sawing operation;

(c) a log carriage is provided with a safety device that will ensure that the headblock cannot be moved to a position within 30 millimetres of the saw blade;

(d) sweepers are provided in front and at the back of a log carriage to remove all obstructions from the track;

(e) a power-driven log carriage is propelled by a wire rope that is:

(i) of sufficient strength to propel the log carriage safely; and

(ii) maintained in safe operating condition;

(f) the sawyer's lever operating the carriage drive mechanism is designed and installed so that the movement of the lever is in the opposite direction to the carriage travel, except when the sawyer's position and controls are enclosed or isolated from the hazards of the carriage; and

(g) means are provided to securely lock the sawyer's log turning and carriage control levers.

(4) An employer or contractor shall ensure that the sawyer engages the carriage control lever lock before leaving the sawyer's position.

4 Oct 96 cO-1.1 Reg 1 s403.

Sawmill head rigs

404(1) Where a sawmill head rig is operated, an employer or contractor shall ensure that:

(a) a circular blade sawmill is equipped with suitable saw guides that can only be adjusted from outside the husk;

(b) husks are completely enclosed and are provided with a substantial, securely hinged cover;

(c) a solid splitter is provided that:

(i) has a leading edge that is adjacent to and conforms to the curvature of the saw blade; and

(ii) extends above the carriage deck a distance of not less than one-quarter of the diameter of the saw blade in use;

(d) a substantial safeguard is provided over the lower portion of the head saw blade under the carriage tracks and extends at least 15 centimetres below the bottom of the largest size saw blade in use;

(e) a substantial heavy-mesh screen or other suitable material is securely placed between the saw blade and the sawyer's position to protect the sawyer from any throw-backs from the saw;

(f) mesh screens required by clause (e) are backed by a small-mesh screen or other effective safeguard located on the sawyer's side of the heavy screen to protect the sawyer from small flying particles;

(g) a power unit driving a sawmill is equipped with an emergency stopping device located within immediate reach of the sawyer; and

(h) the yard end of an elevated log deck rollway is equipped with a device that will prevent logs from rolling back into the mill yard.

(2) An employer or contractor shall ensure that the support structure for a top saw is of sufficient size and strength to withstand any forces imposed on the saw.

4 Oct 96 cO-1.1 Reg 1 s404.

Trimmer saws

405 An employer or contractor shall ensure that a trimmer saw blade is equipped with a safeguard that allows the passage of material being cut, exposes a minimum amount of the saw blade and protects workers from flying debris.

4 Oct 96 cO-1.1 Reg 1 s405.

Edgers

406(1) An employer or contractor shall ensure that:

(a) the top of an edger is covered effectively to control flying debris;

(b) the roll of an edger is kept in contact with the material being cut; and

(c) an edger is equipped with an effective kickback device to protect workers from material thrown from either end of the edger.

(2) An employer or contractor shall ensure that an overhead or double arbour saw edger is provided with a safeguard to protect workers from material thrown from the infeed rolls or the outfeed rolls.

4 Oct 96 cO-1.1 Reg 1 s406.

Bandsaws

407 An employer or contractor shall ensure that:

(a) the saw blades of a bandsaw are enclosed or guarded between the top guideroll and the table, except on the working side of the blade;

(b) bandsaw wheels are fully enclosed; and

(c) bandsaw machines are provided with an effective automatic tension control device.

4 Oct 96 cO-1.1 Reg 1 s407.

Feedrolls of resaws

408 An employer or contactor shall ensure that the feedrolls of a resaw are protected with semi-cylindrical metal guards to prevent the hands of a worker from coming in contact with the roll.

4 Oct 96 cO-1.1 Reg 1 s408.

Dry kilns

409 An employer or contractor shall ensure that:

(a) before the heating process is begun, no worker remains in a dry kiln; and

(b) a dry kiln is equipped with a readily identifiable escape door or kick out panel that measures not less than 600 millimetres by 600 millimetres.

4 Oct 96 cO-1.1 Reg 1 s409.

PART XXIX
Oil and Gas

Interpretation

410 In this Part:

(a) **"derrick"** means a stationary or portable structure that is used to support the hoisting and lowering mechanism on a rig;

(b) **"drilling rig"** means the derrick and all equipment that is directly involved with drilling a well or producing oil or gas from a well;

(c) **"flush-by"** means a pumping unit that is used to loosen formation deposits in a well;

(d) **"rig"** includes a drilling rig and a well servicing rig;

(e) **"swabbing unit"** means equipment that uses wire rope to lift fluids from a well;

(f) **"well servicing rig"** means all equipment directly involved with servicing a well;

(g) **"well testing"** means evaluating the productivity of a well and the quality of the product.

4 Oct 96 cO-1.1 Reg 1 s410.

Application of Part

411 This Part applies to all drilling procedures for the exploration of oil and gas and to the drilling, operation and servicing of a gas well or an oil well, the production of oil or gas from a well and the ancillary processes associated with these activities.

4 Oct 96 cO-1.1 Reg 1 s411.

Supervisors

412(1) An employer, contractor or owner shall appoint a competent person to supervise any oil or gas exploration, drilling, servicing, testing or production operation.

(2) An employer, contractor or owner shall ensure that the supervisor appointed pursuant to subsection (1) is knowledgeable about, and experienced in the following matters that are within the area of the supervisor's responsibility:

(a) safe work practices, including the safe operation of any plant at the place of employment;

(b) the safe handling, use and storage of hazardous substances;

(c) well control and blowout prevention;

(d) the detection and control of worker exposure to hydrogen sulphide;

(e) the handling, use, maintenance and storage of personal protective equipment;

(f) the appropriate response to any emergency situation at the place of employment;

(g) the duties and responsibilities of all workers being supervised by the supervisor;

(h) the training of workers being supervised by the supervisor in safe work practices and procedures.

(3) An employer, contractor or owner who has appointed a supervisor pursuant to subsection (1) shall:

(a) give written notice to all employers and self-employed persons who are involved in the operation of the name, method of contact, duties and responsibilities of the supervisor; and

(b) obtain written acknowledgement from each employer or self-employed person involved in the operation that the employer or self-employed person has received the notice required by clause (a) and has agreed to accept the direction of the supervisor.

4 Oct 96 cO-1.1 Reg 1 s412.

Daily tour book

413 An employer, contractor or owner shall:

(a) provide for each rig a daily tour book and ensure that the book is kept at the site of the rig;

(b) ensure that all details of any inspection required by this Part, any repair made and all work activities undertaken at the site of the rig are recorded in the daily tour book;

(c) ensure that the record required by clause (b) is signed by the worker who performs the inspection; and

(d) ensure that the supervisor reviews the entries for the day in the tour book and signs the tour book daily.

4 Oct 96 cO-1.1 Reg 1 s413.

Routine inspections

414 An employer, contractor or owner shall ensure that:

(a) a rig is inspected by a competent person before commencing operations and at least every 30 working days after that; and

(b) where a defect or unsafe condition is identified during an inspection, an employer, contractor or supplier shall:

(i) take steps immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(ii) as soon as is reasonably practicable, repair any defect or correct any unsafe condition.

4 Oct 96 cO-1.1 Reg 1 s414.

General requirements re design, etc., of rig

415(1) An employer, contractor or owner shall ensure that a rig and all of its auxiliary equipment are designed, constructed, installed, maintained and operated so as to fulfil their intended purposes safely.

(2) An employer, contractor or owner shall ensure that:

(a) the maximum safe operating depth of a rig, based on the design of the equipment, for each specified condition and operation is determined and certified by the manufacturer or a professional engineer;

(b) the maximum safe operating load of a derrick is determined and certified by the manufacturer or a professional engineer;

(c) the maximum safe operating depth and maximum safe operating load determined in accordance with clauses (a) and (b) are prominently displayed on the rig and are not exceeded;

(d) any structural change or repair to a derrick is certified as safe by a professional engineer before the derrick is used; and

(e) where a structural change or repair is made to a rig, the maximum safe operating depth of the rig and maximum safe operating load of the derrick are redetermined and recertified by a professional engineer and displayed on the rig.

(3) Where the substructure of a rig is enclosed, an employer, contractor or owner shall ensure that the substructure is ventilated in accordance with the requirements of sections 65 to 67.

4 Oct 96 cO-1.1 Reg 1 s415.

Flush-by and swabbing units

416(1) An employer, contractor or owner shall ensure that a flush-by or a swabbing unit is designed, constructed, installed, maintained and operated so as to fulfil the unit's intended purpose safely.

(2) An employer, contractor or owner shall ensure that a flush-by or swabbing unit is not used to flow fluids back into an attached tank.

4 Oct 96 cO-1.1 Reg 1 s416; 10 Aug 2007 SR 67/2007 s30.

Securing parts of rig

417(1) An employer, contractor or owner shall ensure that any part of a rig, and any equipment attached to a rig, that may endanger a worker if it fails, moves or falls is secured to eliminate the danger.

(2) An employer, contractor or owner shall ensure that the driller's position on a rig is protected from any hazard created by the cathead or tong lines.

(3) An employer, contractor or owner shall ensure that the workers on a drilling rig floor are protected from any hazard created by the cathead or tong lines.

4 Oct 96 cO-1.1 Reg 1 s417.

Raising and lowering derricks

418(1) Before a derrick is raised or lowered, an employer, contractor or owner shall ensure that a complete inspection of all of the derrick's parts is made by a competent person.

(2) An employer, contractor or owner shall ensure that:

(a) a competent person is in charge of, and present during, the raising and lowering of a derrick; and

(b) a derrick is raised or lowered in accordance with the manufacturer's specifications.

4 Oct 96 cO-1.1 Reg 1 s418.

Rig sites and foundations

419 An employer, contractor or owner shall ensure that:

(a) the site of a rig is constructed and maintained so that oil, water, drilling fluid and other fluids will drain away from the wellbore; and

(b) the foundation of a rig is capable of safely supporting the gross weight of the derrick under the maximum anticipated hook load and any load imposed during raising and lowering of the derrick.

4 Oct 96 cO-1.1 Reg 1 s419.

Guy lines

420 An employer, contractor or owner shall ensure that:

(a) guy lines, where required by the manufacturer, are installed on a derrick so that the number, spacing and specifications of the guy lines and the spacing, capacity and specifications of guy line ground anchors:

(i) meet the requirements of an approved standard; or

(ii) are designed and certified as safe by a professional engineer; and

(b) instructions for the number, spacing and specifications of guy lines and the spacing, capacity and specifications of guy line ground anchors are displayed by means of a plate fixed to the derrick or by a specification sheet that is readily available to workers at the rig.

4 Oct 96 cO-1.1 Reg 1 s420.

Platforms, ladders and stairways

421(1) An employer, contractor or owner shall ensure that:

(a) a derrick is equipped with a fixed ladder or ladders providing access from the derrick floor to the crown platform and to each intermediate platform; and

(b) platforms are provided:

(i) on a drilling rig, at the fourble board, stabbing board and crown; and

(ii) on a service rig, at the tubing board and rod basket.

(2) An employer, contractor or owner shall ensure that a derrick floor and all stairways, ladders, ramps, catwalks and platforms are kept free of obstructions that may hinder or prevent the exit of workers.

4 Oct 96 cO-1.1 Reg 1 s421.

Means of escape

422(1) An employer, contractor or owner shall ensure that a derrick is equipped with a specially rigged and securely anchored auxiliary escape line that provides a ready, safe and convenient means of escape from the fourble board and the crown in the derrick.

(2) An escape line required by subsection (1) must be a wire rope with a minimum diameter of 11.5 millimetres and must be installed with a safety buggy that is equipped with a braking device.

(3) An employer, contractor or owner shall ensure that:

(a) the tension on an escape line is sufficient to ensure that a worker descending the escape line can stop six metres from the ground anchor point;

(b) an escape line is clearly marked and protected from physical damage;

(c) an escape line is visually inspected by a competent person at least once a week; and

(d) a path of escape is kept free of obstruction.

(4) An employer, contractor or owner shall ensure that no worker is required or permitted to slide down a pipe, tube, rod, kelly, cable or rope line on a derrick except in an emergency.

4 Oct 96 cO-1.1 Reg 1 s422.

Full-body harness

423 An employer, contractor or owner shall ensure that a worker who is working on a rig at a height of three metres or more above the derrick floor or other working surface uses an approved full-body harness that meets the requirements of Part VII.

4 Oct 96 cO-1.1 Reg 1 s423.

Fuel storage

424 An employer, contractor or owner shall ensure that:

(a) no gasoline or liquid fuel, other than diesel fuel or fuel in the tank of an operating machine, is stored within 20 metres of a well; and

(b) any drainage from a fuel storage container on a worksite runs in a direction away from the well.

4 Oct 96 cO-1.1 Reg 1 s424.

Pressure relief devices

425(1) An employer, contractor, owner or supplier shall ensure that every drilling fluid pump and servicing fluid pump is equipped with a pressure relief device in accordance with this section.

(2) A pressure relief device must be installed on the discharge side of a positive displacement drilling fluid pump or servicing fluid pump.

(3) There must not be a valve between a drilling service pump or servicing fluid pump and a pressure relief device.

(4) A pressure relief device must be set to discharge at a pressure not in excess of the maximum working pressure for which the drilling fluid pump or servicing fluid pump and the connecting pipes and fittings have been designed.

(5) A pressure relief device and its components must be of a design and strength specified in the manufacturer's design specifications for the pressure relief device.

(6) An employer, contractor or owner shall ensure that fluids or materials discharged through a pressure relief device are piped to a place where they will not endanger workers.

(7) The diameter of piping connected to the pressure side and discharge side of a pressure relief device must not be smaller than the diameter of the openings to the device.

(8) The piping on the discharge side of a pressure relief device must be:

(a) secured to prevent movement; and

(b) sloped to drain fluids away from the discharge outlet.

(9) A mud gun used for jetting must be securely anchored.

(10) Valves of the quick closing type must not be used on the discharge line from a drilling fluid pump or servicing fluid pump.

(11) An employer, contractor or owner shall ensure that a drilling fluid pump or servicing fluid pump is protected against freezing.

(12) An employer, contractor or owner shall ensure that a fluid pump using a pressure relief device is routinely inspected by a competent person to ensure the pressure relief device is in good operating condition.

4 Oct 96 cO-1.1 Reg 1 s425.

Catheads

426(1) On and after July 1, 1997, an employer, contractor or owner shall ensure that no worker is required or permitted to use rope-operated friction catheads for hoisting on a rig.

(2) An employer, contractor or owner shall ensure that every automatic cathead is equipped with a separate control unless:

(a) the cathead is equipped with dual purpose controls; and

(b) a locking device is installed to prevent one cathead from being engaged accidentally while the other cathead is in operation.

(3) With respect to the use of rope-operated friction catheads for hoisting before July 1, 1997, an employer, contractor or owner shall ensure that:

(a) a cathead on which a rope is manually operated is equipped with a blunt, smooth-edged rope divider;

(b) the clearance between the rope divider and the friction surface of a cathead does not exceed seven millimetres;

(c) every key seat and projecting key on a cathead is covered with a smooth thimble or plate;

(d) there is clearance of at least 500 millimetres between the outer flange of a cathead and any substructure, guardrail or wall;

(e) a competent worker attends the drawworks control while a cathead is in use; and

(f) the operating area of a manually operated cathead is kept clear at all times and the portion of the rope or line not being used is kept coiled or spooled.

(4) With respect to the use of rope-operated friction catheads for hoisting before July 1, 1997:

(a) the operator of a friction cathead shall keep the operating area clear at all times and keep coiled or spooled the portion of the rope or line that is not in use; and

(b) no operator of a friction cathead shall:

(i) leave a rope or line wrapped around or in contact with an unattended cathead; or

(ii) allow a splice to come in contact with the friction surface of the cathead.

4 Oct 96 cO-1.1 Reg 1 s426.

Spudding in

427 An employer, contractor or owner shall ensure that spudding in is not begun until:

(a) all safeguards required by these regulations are in place;

(b) all platforms, stairways, handrails and guardrails are installed and securely fastened in position; and

(c) the auxiliary escape line required by section 422 is installed and inspected.

4 Oct 96 cO-1.1 Reg 1 s427.

Operating controls

428(1) An employer, contractor, owner or supplier shall ensure that:

(a) all operating controls of a rig are installed at the operator control panel and clearly labelled as to the function of the control;

(b) where there is a danger of any operating control being engaged by accidental contact, the controls are protected by a safeguard;

(c) an engine shut-down device is installed at the operator control panel; and

(d) all hoist controls are designed to return to the neutral position when released.

(2) A worker who is in charge of the operating controls of the drawworks shall ensure that all other workers are clear of the equipment and lines before putting the drawworks in motion.

4 Oct 96 cO-1.1 Reg 1 s428.

Travelling blocks

429 An employer, contractor, owner or supplier shall ensure, with respect to a travelling block, that:

(a) every hook to which equipment is directly or indirectly attached is equipped with a positive locking device to prevent accidental release of the load being hoisted or lowered;

(b) the travelling block and every hook, elevator, elevator link and unit of travelling equipment is free of any projecting bolt, nut, pin or part;

(c) an upward travel limiting device is installed on every rig and tested once during each shift; and

(d) the upward travel limiting device mentioned in clause (c) disengages the power to the hoisting drum and applies the brakes to prevent the travelling block from contacting the crown structure.

4 Oct 96 cO-1.1 Reg 1 s429.

Counterweights

430 An employer, contractor or owner shall ensure that no counterweight comes within 2.3 metres of the derrick floor unless the counterweight is fully encased and running in permanent guides.

4 Oct 96 cO-1.1 Reg 1 s430.

Weight indicators

431 An employer, contractor or owner shall ensure that:

(a) the hoist mechanism of a rig is equipped with a reliable weight indicator; and

(b) a weight indicator mentioned in clause (a) that is hung above the derrick floor is secured against falling by means of a secondary cable or chain.

4 Oct 96 cO-1.1 Reg 1 s431.

Drawworks

432(1) On and after July 1, 1997, an employer, contractor or owner shall ensure that the drawworks on every drilling rig is equipped with an automatic feed control.

(2) An employer, contractor or owner shall ensure, with respect to the drawworks on a rig, that:

(a) the mechanism installed or used to hold down the brakes in the engaged position is designed to prevent accidental disengagement;

(b) a competent person tests the brakes at the beginning of each shift and inspects the brakes at least weekly to ensure that they are in good working order; and

(c) controls are not left unattended while the hoist drum is in motion except during drilling.

(3) In the case of a drawworks that is not equipped with an automatic feed control and that is operated before July 1, 1997, an employer, contractor or owner shall ensure that the brakes are not left unattended without first being secured in the engaged position.

4 Oct 96 cO-1.1 Reg 1 s432.

Drill pipes, tubing, etc.

433(1) Where a drill pipe, drill collar or tubing is racked in a derrick, an employer, contractor or owner shall ensure that provision is made for the complete drainage of fluids or gases from the drill pipe, drill collar or tubing.

(2) An employer, contractor or owner shall ensure that a drill pipe, drill collar, tubing, casing or rod that is racked in a derrick is secured to prevent it from falling.

(3) Before running a drill pipe, drill collar, tubing or casing in a wellbore, an employer, contractor or owner shall ensure that the drill pipe, drill collar, tubing or casing is free from ice plugs or other obstructions.

4 Oct 96 cO-1.1 Reg 1 s433.

Material racks

434(1) An employer, contractor, owner or supplier shall ensure that material racks are designed and constructed to prevent material from rolling off the rack.

(2) An employer, contractor, owner or supplier shall ensure that workers:

(a) transfer to and from storage, move and handle material in a controlled and safe manner; and

(b) hoist material into and out of a derrick in a controlled and safe manner.

4 Oct 96 cO-1.1 Reg 1 s434.

Rotary tongs

435 An employer, contractor, owner or supplier shall ensure that a rotary tong is provided with:

(a) a primary safety device to prevent uncontrolled movement of the tong; and

(b) a secondary safety device that will prevent uncontrolled movement of the tong if the primary device fails.

4 Oct 96 cO-1.1 Reg 1 s435.

Rotary tables

436(1) Where visibility on the derrick floor is obscured, an employer, contractor or owner shall ensure that no worker works on a derrick floor while the rotary table is in motion.

(2) An employer, contractor or owner shall ensure that rotary table motion is not used for the final make up or initial breaking out of a pipe connection.

(3) An employer, contractor or owner shall not require or permit a worker:

(a) to handle or use hoses, lines or chains near a rotary table while the rotary table is in motion; or

(b) to engage a rotary table drive until all workers and materials are clear of the rotary table.

(4) No worker shall:

(a) handle or use hoses, lines or chains near a rotary table while the rotary table is in motion; or

(b) engage a rotary table drive until all workers and materials are clear of the rotary table.

4 Oct 96 cO-1.1 Reg 1 s436.

Exits from enclosures

437 On a drilling rig, an employer, contractor or owner shall ensure that:

(a) safe exits from a derrick floor enclosure to ground level are provided on at least three sides of the derrick floor;

(b) all doors of a derrick floor enclosure open away from the wellbore and, where reasonably practicable, onto a platform that leads to a stairway;

(c) one stairway is installed from the ground to the derrick floor beside the ramp; and

(d) pump house and boiler house enclosures have at least two exits that lead in different directions to the outside.

4 Oct 96 cO-1.1 Reg 1 s437.

Rig tanks or pits

438 An employer, contractor or owner shall ensure that a rig tank or pit used to circulate drilling fluids contaminated with flammable material is protected from all sources of ignition.

4 Oct 96 cO-1.1 Reg 1 s438.

Drill stem testing

439 During drill stem testing, an employer, contractor or owner shall ensure that:

(a) if fluids are encountered, the mud can and test plug are used on every joint of pipe that is disconnected unless the drill stem contents have been pumped out and replaced with drilling fluid;

(b) motors and engines that are not required in the testing operation are shut off;

(c) no motor vehicle is operated within 25 metres of the wellbore;

(d) where swivel joints are used in the piping system, the source and discharge ends of the piping system are secured in a manner that will prevent whipping and flailing of the pipe if the pipe separates from the source or discharge connection;

(e) where hydrocarbons or hydrogen sulphide may accumulate, hydrogen sulphide and hydrocarbon monitors are installed, with the readouts clearly visible to the driller on the derrick floor;

(f) the hydrogen sulphide monitor is capable of detecting hydrogen sulphide at a concentration of 14 milligrams per cubic metre of air, is calibrated and tested before use and is properly maintained;

(g) where hydrogen sulphide or hydrocarbons are found to be present at levels that may place a worker at risk, the formation fluids in the drill stem are replaced with drilling fluid and circulated to a flare pit or holding tank that is not less than 45 metres from the well;

(h) a tank level alarm that is clearly audible to the driller on the derrick floor or a tank level indicator is installed on the trip tank and is properly maintained;

(i) a tank level indicator mentioned in clause (h) has a read-out that is clearly visible to the driller on the derrick floor; and

(j) before tripping the drill pipe out of the hole, reverse circulation procedures are implemented.

4 Oct 96 cO-1.1 Reg 1 s439.

Swabbing

440 During swabbing operations using a well servicing rig, an employer, contractor or owner shall ensure that:

(a) fluids containing hydrocarbons that are used in or result from the swabbing operation are piped directly through a suitable degasser to a battery, skid tank, mobile trailer tank or tank truck located not less than 45 metres from the wellbore; and

(b) while fluids that are used in or result from the swabbing operation are being piped into a tank truck, the engine of the tank truck is shut down and the driver does not remain in the truck cab.

4 Oct 96 cO-1.1 Reg 1 s440.

Well operation and servicing

441(1) During the servicing of a well, an employer, contractor or owner shall ensure that:

(a) where a pump may be circulating gaseous hydrocarbons, the fluids entering the rig tank first pass through a degasser;

(b) where a pump may be circulating gaseous hydrocarbons, the air intake and exhaust of the pump motor are located not less than six metres from the rig tank;

(c) the tank truck is located on the far side of the rig tank from the wellbore and at a distance of not less than six metres from the rig tank during loading and unloading;

(d) carbon dioxide suction lines are secured to the supply vehicle and pumping unit; and

(e) adequate warning signs prohibiting the presence of workers are positioned along the discharge pipelines before pressurization begins.

(2) Before fluids are unloaded into a wellhead, an employer, contractor or owner shall ensure that the lines between the pump and the wellhead are:

(a) designed and constructed to sustain the maximum anticipated pressure during service; and

(b) hydraulically pressure tested at a pressure that is not less than 10% above the maximum pressure anticipated during service.

(3) An employer, contractor or owner shall ensure that:

(a) swivel joints used with a hammer union are properly secured and of sufficient strength to withstand the stresses to which the joints may be subjected;

(b) oil savers are equipped with controls that can be readily operated from the rig floor; and

(c) a bleed-off valve is installed between a check valve and the wellhead.

4 Oct 96 cO-1.1 Reg 1 s441.

Well stimulation

442(1) During well stimulation or any similar operation, an employer, contractor or owner shall ensure that:

(a) where a working pressure of 2,000 kilopascals or more is applied to the piping system, equipment located between a pump or sand concentrator and the wellhead is controlled remotely from a location outside the potential danger area;

(b) subject to subsection (2), no worker is required or permitted to enter the potential danger area while the system is pressurized;

(c) where liquid carbon dioxide or liquid nitrogen is being used, the pumping unit is designed and positioned so that the valve controls can be operated from the low pressure side of the system;

(d) a check valve is installed as close as is practicable to the wellhead except while cementing or selective acidizing is being done;

(e) where flammable fluids are being pumped during fracturing and acidizing treatment, approved and properly maintained fire suppression equipment is provided;

(f) the rubber mud line used on a cement pumper is not used in place of the kelly hose to break circulation; and

(g) all pumping units, blenders and endless tubing units are continuously bonded to ground.

(2) An employer, contractor or owner may permit a worker to enter the area between the check valve and the wellhead for the purpose of operating the bleed-off valve if the pumping motor is shut off before the worker enters the area.

4 Oct 96 cO-1.1 Reg 1 s442.

Shot holes

443 With respect to a shot hole drilling operation, an employer, contractor or owner shall ensure that a pipe wrench used as a break out tong is equipped with a suitable hand guard on the pipe wrench handle.

4 Oct 96 cO-1.1 Reg 1 s443.

Gas sample containers

444 An employer, contractor or owner shall ensure that containers and any piping and fittings used in the collection of gas samples are of sufficient strength to withstand all the pressure to which the containers, piping or fittings may be subjected and are designed, used and transported so as to prevent the accidental release of the contents.

4 Oct 96 cO-1.1 Reg 1 s444.

Piping systems at well sites

445 An employer, contractor or owner shall ensure that:

(a) a piping system at a well site is designed, constructed, installed, operated and maintained to contain safely any material at the maximum operating pressures anticipated; and

(b) all pipe and components used in the piping system meet the requirements of an approved standard.

4 Oct 96 cO-1.1 Reg 1 s445.

Breathing apparatus

446 At a rig, an employer, contractor or owner shall ensure that at least two atmosphere-supplying respirators that meet the requirements of section 90 are readily available for use in a rescue.

4 Oct 96 cO-1.1 Reg 1 s446.

First aid attendants

447 Notwithstanding section 54, an employer, contractor or owner shall ensure that at least one first aid attendant with a class A qualification is readily available on each shift at each rig.

4 Oct 96 cO-1.1 Reg 1 s447.

Procedures for flare tips, etc.

448 An employer, contractor or owner shall:

(a) prepare and implement written procedures to ensure the safety of workers in the lighting or operation of a flare tip, flare stack or flare line used at a worksite; and

(b) instruct all workers in the application of those procedures.

4 Oct 96 cO-1.1 Reg 1 s448.

Plan for well testing

449(1) An employer, contractor or owner shall develop and implement a written plan that establishes the procedures to be followed by workers who conduct well testing.

(2) A plan required by subsection (1) must include:

(a) the responsibilities, qualifications and minimum number of testing personnel;

(b) the requirements for personal protective equipment; and

(c) start-up and operating procedures that are adequate to protect the health and safety of the workers.

(3) An employer, contractor or owner shall have a copy of the plan required by subsection (1) readily available for reference by workers.

4 Oct 96 cO-1.1 Reg 1 s449.

PART XXX
Additional Protection for Electrical Workers

Interpretation

450(1) In this Part:

(a) **"approved"** means approved as defined in *The Electrical Inspection Act, 1993*;

(b) **"electrical equipment"** means electrical equipment as defined in *The Electrical Inspection Act, 1993*;

(c) **"electrical worker"**:

(i) in the case of work of electrical installation as defined in *The Electrical Inspection Act, 1993* that is regulated by that Act, means a person who is authorized pursuant to *The Electrical Licensing Act* to perform that work;

(ii) in the case of any work with electrical equipment that is not regulated by *The Electrical Inspection Act, 1993*, means a person who is qualified to perform that work;

(d) **"guarded"** means covered, shielded, fenced, enclosed or otherwise protected by suitable covers, casings, barriers, rails, screens, mats, platforms or other equally effective means;

(e) **"high voltage"** means any voltage over 750 volts;

(f) **"lamp"** means an artificial source of electric light;

(g) **"luminaire"** means a complete lighting unit that is designed to accommodate a lamp and to connect the lamp to an electrical power supply;

(h) **"readily accessible"** means capable of being reached quickly for operation, renewal, or inspection, without requiring a worker to climb over or remove obstacles or to resort to portable means of access.

(2) Nothing in this Part shall be construed as authorizing:

(a) the performance of work by a person if it is unlawful for the person to perform that work because of *The Electrical Licensing Act*, *The Apprenticeship and Trade Certification Act*, the regulations made pursuant to those Acts or any other Act or regulation;

(b) the use of electrical equipment if it is unlawful to use that equipment because of *The Electrical Inspection Act, 1993*, the regulations made pursuant to that Act or any other Act or regulation; or

(c) the performance of work in a particular manner if it is unlawful to perform the work in that manner because of *The Electrical Inspection Act, 1993*, the regulations made pursuant to that Act or any other Act or regulation.

4 Oct 96 cO-1.1 Reg 1 s450.

Electrical workers

451(1) Subject to subsection (2), an employer or contractor shall permit only electrical workers to construct, install, alter, repair or maintain electrical equipment.

(2) An employer or contractor may permit a competent worker who is not an electrical worker:

(a) to operate powered mobile equipment and perform non-electrical work on or near de-energized electrical equipment;

(b) to extend a portable power cable for routine advancement by interconnection of approved cord connectors, cord caps or similar devices;

(c) to change light bulbs or tubes;

(d) to insert or replace an approved fuse, to a maximum of 750 volts, that controls circuits or equipment; or

(e) to connect small portable electrical equipment that operates at less than 750 volts to supply circuits by means of attachment plugs, where the connection does not overload the circuit conductors, or to use or operate small portable electrical equipment that is connected in that way.

4 Oct 96 cO-1.1 Reg 1 s451.

Electrical equipment

452(1) An employer or contractor shall ensure that only approved electrical equipment is used by workers and that the electrical equipment is:

(a) approved for the intended use and location of the electrical equipment;

(b) maintained in proper working condition and capable of safe operation; and

(c) tested in accordance with the manufacturer's recommendations.

(2) Where defects or unsafe conditions have been identified in electrical equipment, an employer or contractor:

(a) shall ensure that:

(i) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defects are repaired or the unsafe conditions are corrected; and

(ii) the defects are repaired or the unsafe conditions are corrected as soon as is reasonably practicable; or

(b) shall ensure that the electrical equipment is disconnected and removed from use.

4 Oct 96 cO-1.1 Reg 1 s452.

Covers for switches, receptacles, connections, etc.

453 An employer or contractor shall ensure that:

(a) all switches, receptacles, luminaires and junction boxes are fitted with a cover that is approved for the intended use and location of the cover;

(b) all wire joints or connections are:

(i) fitted with an approved cap or other approved cover;

(ii) enclosed in an approved box; or

(iii) where the wire joints or connections are not permanently installed, protected from damage by another approved means; and

(c) all dead, abandoned or disused electrical conductors or equipment are removed from the place of employment or disconnected and secured to prevent inadvertent energization.

4 Oct 96 cO-1.1 Reg 1 s453.

Electrical equipment in tunnel or manhole

454 Where electrical equipment is installed in a tunnel or manhole, an employer or contractor shall ensure, where reasonably practicable, that:

(a) the tunnel or manhole is kept clear of water; and

(b) the electrical equipment is protected from physical or mechanical damage.

4 Oct 96 cO-1.1 Reg 1 s454.

Luminaires

455 An employer or contractor shall ensure that a luminaire that is located at a height of less than 2.1 metres above a working or walking surface is protected against physical or mechanical damage by installation of a safeguard or the location of the luminaire.

4 Oct 96 cO-1.1 Reg 1 s455.

Extension and power supply cords

456 An employer or contractor shall ensure that an electrical extension or power supply cord used for supplying energy to any electrical equipment:

(a) is approved for the intended use and location of the electrical extension or power supply cord;

(b) is fitted with approved cord end attachment devices that are installed in an approved manner;

(c) is provided with a grounding conductor; and

(d) is maintained and protected from physical or mechanical damage.

4 Oct 96 cO-1.1 Reg 1 s456.

Portable power cables and cable couplers

457(1) An employer or contractor shall ensure that every portable power cable and cable coupler is:

(a) protected from physical or mechanical damage; and

(b) inspected by a competent person at intervals that are sufficient to protect the health and safety of workers.

(2) An employer or contractor shall ensure that:

(a) where any unsafe condition is identified in a portable power cable or cable coupler, the portable power cable or the cable coupler is repaired or taken out of service; and

(b) every splice in a portable power cable is sufficiently strong and adequately insulated to retain the mechanical and dielectric strength of the original cable.

(3) A worker shall take all reasonably practicable steps not to drive equipment over, or otherwise damage, a portable power cable or cable coupler.

4 Oct 96 cO-1.1 Reg 1 s457.

Portable luminaires

458(1) Where a portable luminaire is used, an employer or contractor shall ensure that:

(a) the electrical extension cord and fittings are approved for the intended use and location of the extension cord and fittings and are properly maintained; and

(b) the electrical extension cord is not used to supply power to any equipment other than the portable luminaire unless the cord meets the requirements of section 456.

(2) An employer or contractor shall ensure that a portable luminaire used in a damp location or in a metallic enclosure, including a drum, tank, vessel or boiler:

(a) is operated at a potential of not more than 12 volts; or

(b) is supplied by a circuit that is protected by a class A ground fault circuit interrupter.

4 Oct 96 cO-1.1 Reg 1 s458.

Exposed metal parts

459 An employer or contractor shall ensure that every exposed metal part of portable electrical equipment that is not designed to carry electrical current is connected to ground unless:

(a) the electrical equipment is of an approved, double-insulated type and is clearly marked as such;

(b) power is supplied to the equipment through an isolating transformer having a non-grounded secondary of not more than 50 volts potential;

(c) power is supplied to the equipment through a class A ground fault circuit interrupter; or

(d) power is supplied to the equipment from a battery of not over 50 volts potential.

4 Oct 96 cO-1.1 Reg 1 s459.

Portable electric power plants

460(1) An employer, contractor or supplier shall ensure that:

(a) a portable electric power plant that is operated at voltages exceeding 240 volts to ground or is rated in excess of 12.0 kilovolt-amperes is connected to ground in a manner approved pursuant to *The Electrical Inspection Act, 1993*; and

(b) all electrical equipment connected to an ungrounded portable electric power plant:

(i) is of the double insulated type; and

(ii) is clearly marked as being of the double insulated type or is supplied from a class A ground fault interrupting device.

(2) Subsection (1) does not apply if the electrical energy is used for electric arc welding.

10 Aug 2007 SR 67/2007 s31.

Electrical panels

461 An employer or contractor shall ensure that every electrical panel is:

(a) approved for the intended use and location of the electrical panel;

(b) protected from physical or mechanical damage;

(c) readily accessible; and

(d) fitted with an approved cover that has an approved filler in any unused opening.

4 Oct 96 cO-1.1 Reg 1 s461.

High voltage switchgear and transformers

462(1) An employer or contractor shall ensure that a place where electrical switchgear or transformers operating at high voltage are housed is:

(a) guarded;

(b) kept free of extraneous material; and

(c) adequately ventilated.

(2) Where high voltage switchgear or transformers are housed, an employer or contractor shall post a warning sign that:

(a) indicates the highest voltage in use; and

(b) states that access is restricted to authorized persons only.

4 Oct 96 cO-1.1 Reg 1 s462.

Fire extinguishers

463 An employer or contractor shall ensure that a fire extinguisher approved for Class C fires is readily available to workers working on or near energized high voltage electrical equipment.

4 Oct 96 cO-1.1 Reg 1 s463.

Grounding of equipment before work begins

464 Before any work, other than work to which subsection 465(4) applies, begins on an electrical conductor or electrical equipment and during the progress of that work, an employer or contractor shall ensure that:

(a) the electrical conductor or electrical equipment is isolated, locked out and connected to ground; or

(b) other effective procedures are taken to ensure the safety of the workers.

4 Oct 96 cO-1.1 Reg 1 s464.

Proximity to exposed energized high voltage electrical conductors

465(1) In this section:

(a) **"applied science technologist"** means an applied science technologist who is registered pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and whose registration has not been suspended or cancelled;

(b) **"certified technician"** means a certified technician who is registered pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and whose registration has not been suspended or cancelled;

(c) **"qualified electrical worker"** means:

(i) the holder of a journeyperson's certificate in the electrician trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999*, and includes an apprentice in the trade while under the supervision of a journeyperson;

(ii) the holder of a journeyperson's certificate in the power lineperson trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999*, and includes an apprentice in the trade while under the supervision of a journeyperson; or

(iii) for the purpose of design, calibrating of equipment, inspection, monitoring, testing, and commissioning of equipment in high voltage installations, electrical engineers, applied science technologists or certified technicians who have achieved professional certification within an electrical, electronics, industrial or instrumentation discipline;

(d) **"utility tree trimmer"** means a person who has successfully completed a course that has been approved for the purposes of this section.

(1.1) An employer or contractor shall ensure that a qualified electrical worker has had approved training in high voltage safety.

(1.2) No qualified electrical worker shall undertake high voltage electrical work unless the worker:

(a) has written proof of approved training in high voltage electrical safety; and

(b) has that written proof of approved training readily accessible at all times while working near energized high voltage electrical conductors.

(2) Except as otherwise provided in this section, an employer or contractor shall ensure that no worker works, no material is piled, stored or handled, no scaffold is erected or dismantled and no equipment or powered mobile equipment is used or operated within the minimum distance from any exposed energized electrical conductor set out in column 1 of Table 22 of the Appendix.

(2.1) Subsection (2) does not apply to a worker who is undertaking a specific one-time activity under the direct supervision of a qualified electrical worker.

(3) An employer or contractor shall ensure that no worker who is at ground potential approaches an exposed energized electrical conductor closer than the minimum distance set out in column 2 of Table 22 of the Appendix.

(4) An employer or contractor shall ensure that only a qualified electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Table 22 of the Appendix.

(5) Where a qualified electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Table 22 of the Appendix, an employer or contractor shall ensure that:

(a) the qualified electrical worker:

(i) performs the work in accordance with written instructions for a safe work procedure that have been developed and signed by a competent person who has been appointed by the employer or contractor for that purpose;

(ii) uses equipment that is approved for the intended use of the equipment; and

(iii) uses personal protective equipment that meets the requirements of Part VII; or

(b) the conductor is operating at 25 kilovolts or less and is fitted with rubber and rubber-like insulating barriers that meet the requirements of an approved standard.

(6) An employer or contractor shall ensure that no part of a vehicle is operated on a public road, highway, street, lane or alley within the minimum distance from an exposed energized electrical conductor set out in column 3 of Table 22 of the Appendix and that no part of a vehicle's load comes within the minimum distance.

(7) An employer or contractor shall ensure that no utility tree trimmer works within the minimum distance from an exposed energized electrical conductor set out in:

(a) column 4 of Table 22 of the Appendix for utility tree trimmers using conducting objects exposed to energized parts;

(b) column 5 of Table 22 of the Appendix for utility tree trimmers using rated tools exposed to energized parts;

(c) column 6 of Table 22 of the Appendix for utility tree trimmers using rated insulating booms.

4 Oct 96 cO-1.1 Reg 1 s465; 10 Aug 2007 SR 67/2007 s32.

Exposed energized electrical conductors operating at certain voltages

466 Where work is being carried out in proximity to exposed energized electrical conductors operating at 31 to 750 volts, an employer or contractor shall ensure that the work is carried out so that accidental contact with the energized electrical conductor by any worker is prevented.

4 Oct 96 cO-1.1 Reg 1 s466.

Emergency program

467(1) Where an electrical worker may come in contact with an exposed energized electrical conductor and that contact may affect the health or safety of the worker, an employer or contractor shall develop and implement an emergency program that sets out the procedures to be followed in the event of that contact.

(2) An emergency program developed pursuant to subsection (1) must include procedures:

(a) to rescue a worker who has come into contact with a live conductor;

(b) to administer first aid to a worker who has sustained an electric shock; and

(c) to obtain medical assistance.

(3) An employer or contractor shall ensure that the workers are adequately trained to implement the emergency program.

4 Oct 96 cO-1.1 Reg 1 s467.

PART XXXI
Additional Protection for Health Care Workers

Interpretation

468 In this Part:

(a) **"contaminated laundry"** means laundry that has been contaminated by waste;

(b) **"health care facility"** means:

(i) a facility for which a licence is required pursuant to *The Housing and Special-care Homes Act*;

(ii) a facility for which a licence or certificate of approval is required pursuant to *The Residential Services Act*;

(iii) a facility for which a licence is required pursuant to *The Personal Care Homes Act*;

(iv) a facility within the meaning of *The Mental Health Services Act*;

(v) a hospital, nursing home or institution approved pursuant to *The Hospital Standards Act* or any former *Hospital Standards Act*;

(vi) a clinic within the meaning of *The Cancer Foundation Act*;

(vii) a medical laboratory within the meaning of *The Medical Laboratory Licensing Act* or *The Medical Laboratory Licensing Act, 1994*;

(viii) with respect to the delivery of services within the meaning of *The Health Districts Act* or the operation of a facility within the meaning of that Act:

(A) a district health board;

(B) a health corporation; or

(C) any other provider of services within the meaning of that Act;

(ix) a laundry facility that is located in, or that provides services to, a facility listed in subclauses (i) to (vii) or that is operated by a body listed in subclause (viii);

(x) an ambulance service within the meaning of *The Ambulance Act*;

(xi) an air ambulance service within the meaning of *The Ambulance Act*;

(xii) a home care service within the meaning of *The Home Care Act*;

(xiii) a medical office or medical clinic;

(xiv) a dental office or dental clinic;

(xv) a veterinary office or veterinary clinic;

(xv.1) a blood collection agency; or

(xvi) any other place of employment that provides testing, diagnosis, treatment or care to a patient, resident or client for the purpose of improving or maintaining the physical or mental health of the patient, resident or client;

(c) **"waste"** means any biomedical or pharmaceutical material or substance that may be hazardous to the health or safety of a worker and that requires special handling precautions, decontamination procedures or disposal, and includes:

(i) human anatomical waste;

(ii) animal anatomical waste;

(iii) microbiological laboratory waste;

(iv) blood and body fluid waste; and

(v) used or contaminated needles, syringes, blades, clinical glass and other clinical items that are capable of causing a cut or puncture.

4 Oct 96 cO-1.1 Reg 1 s468; 4 Nov 2005 SR 112/2005 s5.

Application of Part

469 This Part applies to health care facilities.

4 Oct 96 cO-1.1 Reg 1 s469.

Additional requirements re supervisors in health care facilities

469.1(1) In addition to the requirements of section 17, an employer, contractor or owner shall appoint competent persons to supervise at the place of employment.

(2) An employer, contractor or owner shall ensure that every supervisor appointed pursuant to subsection (1) is knowledgeable about, and experienced in the following matters that are within the area of the supervisor's responsibility:

(a) safe work practices and procedures, including the use of engineering controls in use at the place of employment;

(b) the safe handling, use and storage of hazardous substances;

(c) techniques for safely mobilizing, lifting, holding, turning, positioning and transferring patients, residents and clients;

(d) the handling, use, maintenance and storage of personal protective equipment;

(e) the appropriate response to any emergency situation at the place of employment.

(3) An employer, contractor or owner shall ensure that every supervisor appointed pursuant to subsection (1) is knowledgeable in the following matters that are within the area of the supervisor's responsibility:

(a) the duties and responsibilities of all workers being supervised by the supervisor;

(b) the training of workers under the supervision of the supervisor in safe work practices and procedures.

(4) An employer, contractor or owner who has appointed a supervisor pursuant to subsection (1) shall ensure that all workers and self-employed persons who work at the place of employment and who are to be supervised by that supervisor are informed of the name of the supervisor.

21 Sep 2007 SR 91/2007 s4.

Patient moving and handling

470(1) Where workers are required or permitted to mobilize, lift, hold, turn, position or transfer patients, residents or clients, an employer:

(a) in consultation with the committee, shall develop a written program specifying:

(i) the procedures to be used by a competent person to assess whether a patient, resident or client requires assistance to move; and

(ii) subject to subsection (2), the procedures and techniques that workers must use when mobilizing, lifting, holding, turning, positioning or transferring a patient, resident or client under all reasonably foreseeable circumstances;

(b) shall implement the program developed pursuant to clause (a);

(c) shall make readily available for reference by workers a copy of the program developed pursuant to clause (a);

(d) where the program developed pursuant to clause (a) and implemented pursuant to clause (b) requires the use of equipment, shall provide equipment, sufficient in quantity, capacity and quality to protect the health and safety of workers, to assist with mobilizing, lifting, holding, turning, positioning or transferring patients, residents or clients;

(e) in consultation with the committee, shall develop a written plan respecting the ongoing evaluation and selection of the equipment mentioned in clause (d);

(f) shall consult with workers who use the equipment mentioned in clause (d) on the ongoing evaluation and selection of that equipment;

(g) shall ensure that workers use, and that competent persons maintain, the equipment mentioned in clause (d) according to the manufacturer's recommendations;

(h) shall ensure that a preventative maintenance program for the equipment mentioned in clause (d) is implemented that meets the manufacturer's recommendations; and

(i) shall ensure that workers:

(i) are instructed in the causes of injuries resulting from mobilizing, lifting, holding, turning, positioning or transferring patients, residents or clients and the means to prevent those injuries;

(ii) subject to subsection (2) and in addition to the requirements of section 19, are trained in, and use, the procedures and techniques of mobilizing, lifting, holding, turning, positioning and transferring patients, residents or clients as described in subclause (a)(ii); and

(iii) are trained in the use of the equipment mentioned in clause (d) that the workers will be expected to use at the worksite.

(2) The procedures and techniques mentioned in subclauses (1)(a)(ii) and (i)(ii) must be consistent with the requirements set out in section 81.

(3) Where a patient, resident or client has been assessed as requiring assistance to move, an employer shall:

(a) ensure that the status of the patient, resident or client and the appropriate techniques to mobilize, lift, hold, turn, position or transfer the patient, resident or client are clearly identified in writing or by other visual means at or near the location of the patient, resident or client; and

(b) where the technique specified in clause (a) requires more than one worker or the use of equipment, ensure that the number of workers needed and the equipment to be used are also clearly specified in writing or by other visual means at or near the location of the patient, resident or client.

(4) An employer, in consultation with the committee, shall review all injuries resulting from mobilizing, lifting, holding, turning, positioning or transferring patients, residents or clients to determine the causes of the injuries.

(5) An employer shall take appropriate action to prevent the occurrence of injuries similar to an injury reviewed pursuant to subsection (4).

(6) Where a program developed pursuant to clause (1)(a) and implemented pursuant to clause (1)(b), or a technique identified in subsection (3), specifies the use of equipment or the assistance of another worker, no employer shall require or permit a worker to mobilize, lift, hold, turn, position or transfer a patient, resident or client without the use of the device or the assistance of the other worker.

(7) Except in a life-threatening emergency, the employer shall not require or permit a worker to mobilize, lift, hold, turn, position or transfer a patient, resident or client until the patient, resident or client has been assessed pursuant to the program developed pursuant to clause (1)(a) and implemented pursuant to clause (1)(b).

21 Sep 2007 SR 91/2008 s5.

Cytotoxic drugs

471(1) In this section, **"cytotoxic drugs"** means drugs that inhibit or prevent the functions of cells and are manufactured, sold or represented for use in treating neoplastic or other conditions.

(2) An employer shall take all practicable steps to minimize the exposure of workers to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.

(3) On and after July 1, 1998, where workers prepare parenteral cytotoxic drugs on a frequent and continuing basis, an employer shall provide and maintain an approved biological safety cabinet in accordance with subsection (4) and ensure that workers use the cabinet safely.

(4) A biological safety cabinet must be:

(a) inspected and certified by a competent person at least annually and when the biological safety cabinet is moved; and

(b) used and maintained according to an approved procedure or the manufacturer's recommendations.

(5) Where workers are required to prepare, administer, handle or use cytotoxic drugs or are likely to be exposed to cytotoxic drugs, an employer, in consultation with the committee, shall develop a written program to protect the health and safety of workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.

(6) A program developed pursuant to subsection (5) must include:

(a) the measures to be taken to identify, store, prepare, administer, handle, use, transport and dispose of cytotoxic drugs and materials contaminated with cytotoxic drugs;

(b) the emergency steps to be followed in the event of:

(i) a spill or leak of a cytotoxic drug; or

(ii) worker exposure to cytotoxic drugs by a puncture of the skin, absorption through the skin, contact with an eye, inhalation of drug dust or ingestion of a contaminated substance;

(c) the methods to be followed in maintaining and disposing of equipment contaminated with cytotoxic drugs;

(d) the use to be made of engineering controls, work practices, hygiene practices and facilities, approved respiratory protective devices, approved eye or face protectors and other personal protective equipment and decontamination materials and equipment that are appropriate in the circumstances; and

(e) the use to be made of an approved biological safety cabinet for the preparation of cytotoxic drugs and the methods to be followed in maintaining the cabinet.

(7) An employer shall:

(a) implement the program developed pursuant to subsection (5);

(b) ensure that all workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs are trained in the program; and

(c) make a copy of the program readily available for reference by workers.

4 Oct 96 cO-1.1 Reg 1 s472.

Waste

472(1) Where exposure to waste is likely to endanger the health or safety of a worker, an employer shall develop and implement a process that ensures that the waste:

(a) is segregated at the place where the waste is located or produced;

(b) is contained in a secure, clearly labelled package or container that holds the contents safely until it is cleaned, decontaminated or disposed of; and

(c) is cleaned, decontaminated or disposed of in a manner that will not endanger the health or safety of any worker.

(2) An employer shall ensure that:

(a) a worker or self-employed person who generates, collects, transports, cleans, decontaminates or disposes of waste or launders contaminated laundry is trained in safe work practices and procedures, and is provided with personal protective equipment, that are appropriate to the risks associated with the worker's work; and

(b) a worker or self-employed person described in clause (a) uses the safe work practices and procedures and the personal protective equipment mentioned in that clause.

4 Oct 96 cO-1.1 Reg 1 s472.

Equipment contaminated with waste

473 An employer shall ensure that, where reasonably practicable, any equipment that has been contaminated with waste is inspected and decontaminated before it is repaired or shipped for repair.

4 Oct 96 cO-1.1 Reg 1 s473.

Waste needles, etc.

474(1) An employer shall provide readily accessible containers for waste needles, syringes, blades, clinical glass and any other clinical items that are capable of causing a cut or puncture and shall ensure that workers and self-employed persons use those containers.

(2) The containers required by subsection (1) must:

(a) have a fill line;

(b) be clearly identified as containing hazardous waste; and

(c) be sturdy enough to resist puncture under normal conditions of use and handling until the containers are disposed of.

(3) An employer shall ensure that workers do not manually clip, bend, break or recap waste needles.

4 Oct 96 cO-1.1 Reg 1 s474; 4 Nov 2005 SR 112/2005 s6.

Selecting needle-safe devices

474.1(1) In this section and in section 474.2:

(a) **"contaminated"** means contaminated with:

(i) human blood;

(ii) fluids containing visible amounts of human blood;

(iii) any of the following potentially infectious human bodily fluids:

(A) semen;

(B) vaginal secretions;

(C) cerebrospinal fluid;

(D) synovial fluid;

(E) pleural fluid;

(F) pericardial fluid;

(G) peritoneal fluid;

(H) amniotic fluid;

(I) saliva;

(J) breast milk;

(iv) fluids from any unfixed tissue or organ, other than intact skin, from a human, living or dead;

(v) cell, tissue or organ cultures, or other solutions, that may contain a human blood-borne infectious organism; or

(vi) fluids from tissues of experimental animals infected with a blood-borne infectious organism from a human source;

(b) **"needles with engineered sharps injury protections"** means hollow bore needles or devices with hollow bore needles that:

(i) are commercially available;

(ii) are approved as medical devices by Health Canada;

(iii) have a built-in safety feature or mechanism that eliminates or minimizes the risk of a percutaneous injury; and

(iv) are used for purposes that include:

(A) withdrawing bodily fluids;

(B) accessing a vein or artery; and

(C) administering medications or other fluids;

(c) **"needleless system"** means a commercially available device approved as a medical device by Health Canada that replaces a hollow bore needle for use in:

(i) the collection of bodily fluids;

(ii) the withdrawal of bodily fluids after initial venous or arterial access is established;

(iii) the administration of medication or fluids; or

(iv) any other procedure in which it is reasonably anticipated that a worker could incur a percutaneous injury with a contaminated hollow bore needle;

(d) **"public health emergency"** means an occurrence or imminent threat of a significant risk to public health caused by:

(i) an epidemic or pandemic disease; or

(ii) a novel, highly fatal infectious agent or associated biological toxin.

(2) This section and section 474.2 apply:

(a) to all health care facilities mentioned in clause 468(b) except those mentioned in subclauses 468(b)(xiii) and (xiv);

(b) to a correctional facility as defined in *The Correctional Services Act*; and

(c) to a youth custody facility as defined in the *Youth Criminal Justice Act* (Canada).

(3) Subject to subsection (4), on and after July 1, 2006, for tasks and procedures in which it is reasonably anticipated that a worker or self-employed person may incur a percutaneous injury from a contaminated hollow bore needle, the employer or contractor must:

(a) identify, evaluate and select needles with engineered sharps injury protections or needleless systems, in consultation with representatives of those workers or self-employed persons who will use the selected device; and

(b) ensure that the needles with engineered sharps injury protections and needleless systems selected pursuant to clause (a) are used.

(4) Subsection (3) does not apply:

(a) if the employer or contractor can demonstrate that needles with engineered sharps injury protections or needleless systems pose an additional risk to the patient, worker or self-employed person;

(b) to any biological or antibiotic product in an injection-ready needle device that is present in Saskatchewan on the day on which this section comes into force;

(c) to any needles or needle devices that are obtained during a public health emergency for use in that emergency;

(d) to needles or needle devices for use in a public health emergency that are stockpiled for use in a public health emergency and are present in Saskatchewan on the day on which this section comes into force; or

(e) if a needle with engineered sharps injury protections or a needleless system requires Health Canada's approval for use in a national program, including blood collection and vaccination programs, until the earlier of:

(i) the day on which Health Canada approves a needle with engineered sharps injury protections or a needleless system for use in a national program; and

(ii) July 1, 2007.

4 Nov 2005 SR 112/2005 s7.

Injury log

474.2(1) An employer or contractor must maintain an injury log for all exposures involving a percutaneous injury with a sharp that may be contaminated.

(2) Entries in the injury log maintained pursuant to subsection (1) must:

(a) protect the confidentiality of the exposed worker or self-employed person; and

(b) contain at least the following information:

(i) the type and brand of the device involved in the exposure incident;

(ii) the department or work area in which the exposure occurred;

(iii) an explanation of how the exposure occurred.

4 Nov 2005 SR 112/2005 s7.

Contaminated laundry

475(1) An employer shall ensure that workers handle contaminated laundry as little as possible and with minimum agitation to prevent gross microbial contamination of the air and of any worker handling the laundry.

(2) At a laundry facility that is established or extensively renovated after the coming into force of these regulations, an employer shall ensure that the area where contaminated laundry is sorted is separated from the clean laundry area by one or more of the following:

(a) a physical barrier;

(b) a negative air pressure system in the contaminated laundry area;

(c) a positive air flow from the clean laundry area through the contaminated laundry area.

4 Oct 96 cO-1.1 Reg 1 s475.

Anaesthetic gases

476 Where workers are required to handle or use anaesthetic gases and vapours or are likely to be exposed to anaesthetic gases and vapours, an employer shall:

(a) develop safe work practices and procedures to eliminate or reduce the concentration of anaesthetic gases and vapours in the air of the room during the administration of the anaesthetic gases;

(b) train workers in the safe work practices and procedures developed pursuant to clause (a) and ensure that the workers and self-employed persons use those safe work practices and procedures;

(c) ensure that all anaesthetic gas hoses, connections, tubing, bags and associated equipment are inspected for leakage before each use and at least weekly;

(d) ensure that any room where anaesthetic gases are administered is, where reasonably practicable, ventilated at a rate of 15 air changes per hour;

(e) on or before January 1, 1998, install an effective waste anaesthetic gas scavenging system to collect, remove and dispose of waste anaesthetic gases and vapours;

(f) except in birthing rooms where anaesthetic gas is self-administered, ensure that leakage from a waste anaesthetic gas scavenging system installed pursuant to clause (e) is less than 100 millilitres per minute when tested according to an approved standard; and

(g) ensure that the waste anaesthetic gas scavenging system and the equipment used to administer anaesthetic gases are maintained.

4 Oct 96 cO-1.1 Reg 1 s476; 31 Jan 97 SR 6/97 s13.

Ethylene oxide sterilizers

477(1) In this section, **"CSA installation standard"** means the Canadian Standards Association standard CAN/CSA-Z314.9-M89 *Installation and Ventilation of Ethylene Oxide Sterilizers in Health Care Facilities*.

(2) An employer shall ensure, to the extent that is practicable, that all ethylene oxide sterilizers at a place of employment are operated and maintained in accordance with the CSA installation standard.

(3) An employer, in consultation with the committee, shall develop:

(a) safe work practices and policies that meet the requirements of the CSA installation standard; and

(b) an emergency response program to detect, control and respond to any leak or spill of ethylene oxide that meets the requirements of the CSA installation standard.

(4) An employer shall:

(a) implement the safe work practices and policies and the emergency response program developed pursuant to subsection (3); and

(b) ensure that workers who operate ethylene oxide sterilizers and workers who may come into contact with ethylene oxide:

(i) are trained in accordance with the CSA installation standard; and

(ii) follow the safe work practices and policies and the emergency response program developed pursuant to subsection (3).

(5) An employer shall ensure that all areas where ethylene oxide is used or stored are posted with clearly legible signs that state "Ethylene Oxide Area, Potential Cancer and Reproductive Hazard, Authorized Personnel Only".

(6) An employer shall ensure that all records of equipment maintenance and accidental ethylene oxide leakages are kept for five years in a log book located in the ethylene oxide sterilization area.

(7) An employer shall ensure that an ethylene oxide sterilizer purchased after the coming into force of these regulations:

(a) is constructed in accordance with the Canadian Standards Association standard CAN/CSA-Z314.1-M91 *Ethylene Oxide Sterilizers for Hospitals*;

(b) is installed in accordance with and meets the ventilation requirements of the CSA installation standard; and

(c) where reasonably practicable, is a sterilizer with in-chamber aeration that allows sterilization and aeration to take place without manually transferring the items that are being sterilized and aerated from one piece of equipment to another.

(8) An employer shall ensure that portable ethylene oxide sterilizers are operated in a fume cabinet or placed in a self-contained room that is unoccupied during the sterilization process and is ventilated clear of the place of employment at a minimum rate of 10 air changes per hour to prevent the accumulation of the gas in the room.

4 Oct 96 cO-1.1 Reg 1 s477.

Review of programs, etc.

478 An employer, in consultation with the committee, shall ensure that all programs, training, work practices, procedures and policies developed pursuant to this Part are reviewed and, where necessary, revised at least every three years and whenever there is a change of circumstances that may affect the health or safety of workers.

4 Oct 96 cO-1.1 Reg 1 s478.

PART XXXII
Additional Protection for Fire Fighters

Interpretation

479 In this Part:

(a) **"emergency incident"** means the circumstances giving rise to a specific emergency operation;

(b) **"emergency medical care"** means the provision of treatment to patients, including first aid, cardiopulmonary resuscitation, basic life support, advanced life support and other medical procedures that occur before arriving at a hospital or other health care facility;

(c) **"emergency operation"** means the activities relating to rescue, fire suppression, emergency medical care and special operations, and includes the response to the scene of an incident and all functions performed at the scene;

(d) **"evolution"** means a set of standard operating procedures that results in an effective response to an emergency incident;

(e) **"fire fighter"** means a worker whose duties include:

(i) emergency operations, fire inspection and fire investigation; and

(ii) training for the activities mentioned in subclause (i);

and includes a worker whose duties include directing any or all of the activities mentioned in subclauses (i) and (ii);

(f) **"firefighting vehicle"** means a specialized vehicle that carries an assortment of tools and equipment for use by fire fighters in emergency operations;

(g) **"fire suppression"** means the activities involved in controlling and extinguishing fires, including all activities performed at the scene of a fire incident or training exercise that expose fire fighters to the dangers of heat, flame, smoke and other products of combustion, explosion, or structural collapse;

(h) **"rescue"** means activities directed at locating endangered persons at an emergency incident and removing those persons from danger, and includes treating the injured;

(i) **"special operations"** means emergency incidents to which fire fighters respond that require specific and advanced training and specialized tools and equipment, and includes water rescue, confined space entry, high-angle rescue and incidents involving hazardous materials;

(j) **"standard operating procedure"** means an operational directive prepared by an employer that establishes a standard course of action for the emergency incidents to which a fire fighter is required to respond;

(k) **"structural firefighting"** means the activities of rescue, fire suppression and property conservation involving buildings, enclosed structures, vehicles, vessels, aircraft or other large objects that are involved in a fire or emergency incident.

4 Oct 96 cO-1.1 Reg 1 s479.

Application of Part

480 This Part applies to fire fighters who are engaged in emergency operations on a full-time or part-time basis and their employers, but does not apply to:

(a) fire fighters fighting prairie or forest fires that the department, as defined in *The Prairie and Forest Fires Act, 1982*:

(i) is responsible for, pursuant to subsection 8(2) of that Act; or

(ii) takes action to control and extinguish, pursuant to subsection 8(3) of that Act; or

(b) fire fighters fighting fires underground at mines.

4 Oct 96 cO-1.1 Reg 1 s480.

Plan for response to emergency incident

481(1) An employer, in consultation with the committee, shall develop a written plan that establishes the procedures to be followed by fire fighters in response to an emergency incident.

(2) A plan required by subsection (1) must include:

(a) identification of standard firefighting functions or evolutions, including functions or evolutions that must be performed simultaneously;

(b) the minimum number of fire fighters required to perform safely each identified firefighting function or evolution, based on written standard operating procedures;

(c) the number and types of firefighting vehicles and fire fighters required for the initial response to each type of emergency incident to which the fire fighters will be expected to respond;

(d) the total complement of firefighting vehicles and fire fighters to be dispatched for each type of emergency incident;

(e) a description of a typical emergency operation, including alarm time, response time, arrival sequence, responsibility for initiating standard operating procedures necessary to protect the health and safety of fire fighters;

(f) an incident management system; and

(g) a personnel accountability system.

(3) An employer shall:

(a) ensure that the plan developed pursuant to subsection (1) is implemented; and

(b) make a copy of the plan readily available for reference by fire fighters.

4 Oct 96 cO-1.1 Reg 1 s481.

Training of fire fighters

482(1) An employer shall ensure that:

(a) all fire fighters receive the training necessary to ensure that the fire fighter is able to carry out safely any emergency operation that the fire fighter will be expected to carry out;

(b) the training required by clause (a) is provided by competent persons; and

(c) a written record is kept of all training delivered to fire fighters pursuant to this Part.

(2) An employer shall ensure that every firefighting vehicle is operated by a competent operator.

4 Oct 96 cO-1.1 Reg 1 s482.

General standards for vehicles and equipment

483 An employer, contractor or owner shall ensure that all firefighting vehicles and all equipment for use in emergency operations are designed, constructed, operated, maintained, inspected and repaired so as to protect adequately the health and safety of fire fighters.

4 Oct 96 cO-1.1 Reg 1 s483.

Securing of equipment, etc., in vehicles

484 Where equipment or personal protective equipment is carried within a seating area of a firefighting vehicle, an employer, contractor or owner shall ensure that:

(a) the items of equipment are secured:

(i) by a positive mechanical means of holding the item in a stowed position; or

(ii) in a compartment with a positive latching door; and

(b) the compartment mentioned in subclause (a)(ii) is designed to minimize injury to fire fighters in the seating area of the vehicle.

4 Oct 96 cO-1.1 Reg 1 s484.

Inspection of firefighting vehicles and equipment

485 An employer, contractor or owner shall ensure that:

(a) all firefighting vehicles and firefighting equipment are inspected by a competent person for defects and unsafe conditions as often as is necessary to ensure that the vehicles and equipment are capable of safe operation;

(b) where a defect or unsafe condition that may create a hazard to a fire fighter is identified in a firefighting vehicle or firefighting equipment:

(i) steps are taken immediately to protect the health and safety of any fire fighter who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(ii) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected; and

(c) a written record:

(i) is kept of all inspections carried out pursuant to clause (a);

(ii) is signed by the competent person who performs the inspection; and

(iii) is kept at the place of employment and is made readily available to the committee, the representative and the fire fighters.

4 Oct 96 cO-1.1 Reg 1 s485.

Repair of firefighting vehicles

486 An employer, contractor or owner shall ensure that:

(a) all repairs to firefighting vehicles of defects or unsafe conditions that may put at risk the health or safety of fire fighters are made in accordance with the vehicle manufacturer's instructions and by qualified persons experienced with the type of vehicle or the type of work to be performed; and

(b) a written record:

(i) is kept of all repairs made to a firefighting vehicle; and

(ii) is kept at the place of employment and is made readily available to the committee, the representative and the fire fighters.

4 Oct 96 cO-1.1 Reg 1 s486.

Transportation of fire fighters

487(1) Subject to subsection (3), an employer, contractor or owner shall ensure that:

(a) all firefighting vehicles are provided with safe crew accommodations within the body of the vehicle and are equipped with properly secured seats and seat-belts;

(b) while a firefighting vehicle is transporting fire fighters, every fire fighter is seated and uses a seat-belt when the vehicle is in motion; and

(c) no fire fighter rides on the tailstep, side steps, running boards or in any other exposed position on a firefighting vehicle.

(2) Where there is an insufficient number of seats available for the number of fire fighters who are assigned to or expected to ride on a firefighting vehicle, an employer, contractor or owner shall ensure that there is a safe alternate means of transportation for those fire fighters.

(3) Clauses (1)(b) and (c) do not apply where a fire fighter is fighting a prairie, grassland or crop fire, and the employer, contractor or owner ensures that:

(a) a restraining device is used to prevent the fire fighter from falling from the firefighting vehicle;

(b) an effective means of communication between the fire fighter and the operator of the firefighting vehicle is provided; and

(c) a fire fighter does not operate the firefighting vehicle at a speed that exceeds 20 kilometres per hour.

4 Oct 96 cO-1.1 Reg 1 s487.

Personal protective equipment

488 An employer, contractor or owner shall provide to a fire fighter who engages in or is exposed to the hazards of emergency operations, and ensure that the fire fighter uses, approved personal protective equipment that is appropriate to the nature of the risk to which the fire fighter will be exposed and that is adequate to protect the health and safety of the fire fighter.

4 Oct 96 cO-1.1 Reg 1 s488.

Interior structural firefighting

489 Where fire fighters are required or permitted to engage in interior structural firefighting, an employer shall ensure that:

(a) the fire fighters work in teams; and

(b) a suitably equipped rescue team is readily available outside the structure to rescue an endangered fire fighter if the fire fighter's SCBA fails or the fire fighter becomes incapacitated for any other reason.

4 Oct 96 cO-1.1 Reg 1 s489.

Personal alert safety system

490(1) An employer, contractor or owner shall provide each fire fighter who enters a structure during firefighting with an approved personal alarm safety system (PASS) device and ensure that the fire fighter uses the device.

(2) An employer, contractor or owner shall ensure that each PASS device is tested at least monthly and before each use, and maintained in accordance with the manufacturer's instructions.

4 Oct 96 cO-1.1 Reg 1 s490.

Safety ropes, harnesses and hardware

491 An employer, contractor or owner shall provide for use by a fire fighter approved safety ropes, harnesses and hardware that are appropriate to the nature of the risk to which the fire fighter will be exposed and adequate to protect the health and safety of the fire fighter, and ensure that the fire fighter uses them.

4 Oct 96 cO-1.1 Reg 1 s491.

PART XXXIII
Repeal, Transitional and Coming into Force

R.R.S. c.O-1 Reg 1 repealed

492 *The Occupational Health and Safety Regulations* are repealed.

4 Oct 96 cO-1.1 Reg 1 s492.

Transitional

493 Notwithstanding the repeal of *The Occupational Health and Safety Regulations*, an approval granted by the director pursuant to *The Occupational Health and Safety Regulations* is continued pursuant to these regulations until it is revoked or amended by the director.

4 Oct 96 cO-1.1 Reg 1 s493.

Coming into force

494(1) Subject to subsections (2) and (3), these regulations come into force on November 1, 1996.

(2) Subject to subsection (3), if these regulations are not published in *The Saskatchewan Gazette* at least 60 days before November 1, 1996, these regulations come into force on the sixty-first day after the day on which they are published in *The Saskatchewan Gazette*.

(3) Part XXXII of these regulations comes into force one year after the day on which these regulations come into force.

4 Oct 96 cO-1.1 Reg 1 s494.

Appendix

TABLE 1

[*Subclause 2(1)(g)(i), subsection 54(2)*]

Minimum Requirements for Class A Qualification

A First aid training course:

I Course duration: 14-16 hours

II Course Content:

The role of the first aid attendant
Interaction with higher-level trained personnel and with medical care agencies
Medico-legal aspects of first aid
Responsibilities of the first aid attendant
Knowledge of the ambulance system
Basic anatomy and physiology: how the body systems work
Patient assessment: primary and secondary surveys
Assessment and monitoring of basic vital signs
Respiratory emergencies: respiratory system review, management of airways
Chest injuries: pneumothorax, flail chest, sucking chest wound
Circulatory system review, heart attack, stroke
Bleeding: wounds, control of bleeding and bandaging
Barrier devices to prevent the transmission of pathogens
Shock: signs and symptoms
Abdominal injuries: system review by quadrant
Stabilization: head, spine and pelvis injuries
Upper and lower extremity injuries
Medical emergencies: epilepsy, diabetes
Assessment and treatment of burns
Assessment and treatment of poisonings and acute effects of abused drugs
Problems of heat and cold
Emotional problems
Movement of a casualty
Situation simulations, reporting on the patient to higher-level trained personnel
Understanding of and familiarity with relevant provisions of *The Occupational Health and Safety Regulations, 1996*.

B Cardiopulmonary resuscitation training course:

I Course duration: 4-6 hours

II Course Content:

Risk factors
Signals and actions of heart attack and stroke
Airway obstruction: prevention, causes, recognition
Entrance into the emergency medical services system
One rescuer cardiopulmonary resuscitation (adult)
Treatment of an adult with an obstructed airway
Turning of the casualty into the recovery position.

4 Oct 96 cO-1.1 Reg 1; 31 Jan 97 SR 6/97 s14.

TABLE 2

[*Subclause 2(1)(g)(ii)*]

First Aid Services Authorized by Class A Qualification

Primary and secondary assessment
Cardiopulmonary resuscitation
Bandaging and splinting
Monitoring vital signs
Basic management of medical emergencies
Spine stabilization
Any other services for which the holder of the class A qualification has acquired additional training from an approved authority.

4 Oct 96 cO-1.1 Reg 1.

TABLE 3

[*Subclause 2(1)(h)(i), subsection 54(2)*]

Minimum Requirements for Class B Qualification

A First aid training course:

I Course duration: 60-80 hours

It is recommended that the review and practice time should be at least 20 hours.

II Course content:

Roles and responsibility: knowledge of emergency medical system, the place of the first aid attendant in the system, other skill levels in the system
The different phases of emergency medical care
Adequate training in the use of first aid equipment
The medico-legal aspects of first aid
Anatomy and physiology appropriate to the course
Primary and secondary survey of the casualty
Monitoring and assessment of vital signs
Bleeding: wounds, control of bleeding and bandaging
Barrier devices to prevent the transmission of pathogens
Airway management and use of relevant equipment (eg. bag valve, mask resuscitator, oxygen equipment)
Assessment and treatment of common medical emergencies
Assessment and treatment of shock
Trauma to head, spine, chest, abdomen and pelvis
Injuries to extremities
Environmental emergencies
Crisis intervention: provision of psychological support
First on the scene management skills, triage
Assessment and treatment of burns
Obstetrics: emergency delivery and post-partum haemorrhage
Recognition of the acute signs and symptoms of drug abuse and treatment of the casualty
Assessment and treatment of the acute (eg. distended or tender) abdomen
Basic extrication of the casualty from immediate danger
Record keeping: preservation of information necessary for subsequent action

Understanding of and familiarity with relevant provisions of *The Occupational Health and Safety Regulations, 1996*.

B Cardiopulmonary resuscitation training course:

I Course duration: 8-10 hours

II Course content:

Risk factors
Signals and actions of heart attack and stroke
Airway obstruction: prevention, causes, recognition
Entrance into the emergency medical services system
One rescuer cardiopulmonary resuscitation
Two rescuer cardiopulmonary resuscitation
Treatment of an adult with an obstructed airway
Mouth-to-mask resuscitation
Spinal injuries
Turning of the casualty into the recovery position.

4 Oct 96 cO-1.1 Reg 1; 31 Jan 97 SR 6/97 s14.

TABLE 4
[*Subclause 2(1)(h)(ii)*]

First Aid Services Authorized by Class B Qualification

Primary and secondary assessment
Cardiopulmonary resuscitation while moving a patient
Bandaging and splinting
Monitoring vital signs
Basic management of medical emergencies
Airway management, the use of suction devices and bag-valve mask
Proper procedures and conditions for the administration of oxygen
Use of spinal immobilization devices
Psychological support measures
Any other services for which the holder of the Class B qualification has acquired additional training from an approved authority.

4 Oct 96 cO-1.1 Reg 1.

TABLE 5

[*Subsections 7(2) and 343(1) and section 344*]

Asbestos Processes

Part A – High Risk Asbestos Processes

1 The removal, encapsulation, enclosure or disturbance of anything but minor amounts of friable asbestos-containing material during the repair, alteration, maintenance, demolition, or dismantling of any part of a plant

2 The cleaning, maintenance or removal of air-handling equipment in buildings where sprayed fireproofing asbestos-containing materials have been applied to the airways or ventilation ducts

3 The dismantling or the major alteration or repair of a boiler, furnace, kiln or similar device, or part of a boiler, furnace, kiln or similar device, that is made of asbestos-containing materials

4 The use of power tools not equipped with HEPA filtration to grind, cut or abrade any asbestos-containing surface or product.

Part B – Moderate Risk Asbestos Processes

1 The use of a power tool equipped with HEPA filtration to cut, shape or grind any asbestos-containing surface or product

2 The removal of a false ceiling or part of a false ceiling where friable asbestos-containing material is, or is likely to be, lying on the surface of the false ceiling

3 The removal, the encapsulation or enclosure or the disturbance of minor amounts of friable asbestos-containing material during the repair, alteration, maintenance, demolition, or dismantling of a structure, machine or equipment or part of a structure, machine or equipment.

Part C – Low Risk Asbestos Processes

1 The installation or removal of manufactured asbestos-containing products where sanding, cutting or similar disturbance is not required

2 The use of hand tools to cut, shape, drill or remove a manufactured asbestos-containing product

3 The removal of drywall material where asbestos joint filling compounds have been used

4 The use of personal protective equipment made of asbestos-containing textiles

5 The transporting or handling of asbestos-containing materials in sealed containers

6 The cleaning or disposing of minor amounts of asbestos debris that has come loose or fallen from a friable surface

7 The removal of small samples of asbestos-containing material for the purpose of identification.

TABLE 6

[*Subsection 10(2)*]

Notifiable Medical Conditions Resulting from Occupational Exposure

1 Acute, sub-acute or chronic disease of an organ resulting from exposure to lead, arsenic, beryllium, phosphorus, manganese, cadmium or mercury or their compounds or alloys

2 Neoplasia of the skin or mucous membrane resulting from exposure to tar, pitch, bitumen, mineral or cutting oils or arsenic or their compounds, products or residue

3 Neoplasia of the renal tract in a worker employed in rubber compounding, in dyestuff manufacture or mixing or in a laboratory

4 Pneumoconiosis resulting from exposure to silica or silicate, including asbestos, talc, mica or coal

5 Toxic jaundice resulting from exposure to tetrachloroethane or nitro- or amido-derivatives of benzene or other hepato-toxic or haemato-toxic substances

6 Neoplasia or any form of sickness resulting from internal or external exposure to ionizing radiation or electro-magnetic radiation

7 Poisoning by the anti-cholinesterase action of an organophosphorous or carbamate compound

8 Any form of decompression illness

9 Toxic anaemia resulting from exposure to trinitrotoluene, or any other haematogenic poison, including chronic poisoning by benzene

10 Mesothelioma of the pleura or peritoneum

11 Angiosarcoma of the liver

12 Malignant neoplasm of the nasal cavities resulting from exposure to chromium or its compounds, wood dust or formaldehyde

13 Malignant neoplasm of the scrotum resulting from exposure to petroleum products

14 Malignant neoplasm of lymphatic or haematopoietic tissue resulting from exposure to benzene

15 Cataract resulting from exposure to ionizing radiation, electro-magnetic radiation or nitrophenols

16 Male infertility resulting from exposure to glycol ethers, lead or pesticides

17 Spontaneous abortion resulting from exposure to ethylene oxide or antineoplastic drugs

18 Inflammatory and toxic neuropathy resulting from exposure to organic solvents

19 Asthma resulting from exposure to isocyanates, red cedar, amines, acid anhydride, epoxy resin systems, reactive dyes, metal fumes or salts, enzymes or bisulphites

20 Extrinsic allergic alveolitis resulting from exposure to mould or organic dust.

TABLE 7

[*Subsections 22(2) and 45(1)*]

Prescribed Places of Employment

1. Types of places of employment:

   (a) hospitals, nursing homes and home care;

   (b) metal foundries and mills; and

   (c) mines.

2. Places of employment at which the following types of work are performed:

   (a) aerial crop spraying, operation of helicopters, water bombing;

   (b) autobody and automotive paint repairing, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fibreglassing boats and autos;

   (c) building construction;

   (d) camp catering;

   (e) farming and ranching;

   (f) forestry work other than pulp and paper production;

   (g) forwarding and warehousing as a business;

   (h) metal manufacturing and machining, marble works, concrete block and ready mix manufacturing;

   (i) oilwell servicing;

   (j) oil and gas drilling, well servicing with a rig, water well drilling;

   (k) processing meat, poultry and fish;

   (l) road construction and earthwork, urban sewer and water construction, tunnelling;

   (m) trucking;

   (n) wholesale baking, dairy products, soft drinks and food preparation and packaging.

16 May 2003 SR 35/2003 s5.

TABLE 8
[*Clause 50(d)*]

Activities That Constitute High Hazard Work

Building construction
Drilling for gas, oil and minerals
Service for gas and oil wells and power tong service
Logging
Sawmilling
Iron and steel processing and fabrication
Road construction, earthwork, tunnelling and trenching
Local and provincial hauling and trucking
Mining and smelting
Exploration drilling, shaft sinking, quarrying and crushing of rocks
Manufacturing of concrete block, brick, artificial stone and other clay and cement products
Power line construction and maintenance.

4 Oct 96 cO-1.1 Reg 1.

TABLE 9

[*Clause 54(1)(a) and subsection 54(5)*]

Summary of First Aid Requirements[1]

Minimum: Every place of employment requires a first aid box containing standard supplies (see Table 10), a manual, a register and emergency information. Additional requirements are listed below:

Workers	**Close** (1/2 hour or less to medical facility)	**Distant** (1/2 - 2 hours to medical facility)	**Isolated** (More than 2 hours' surface transport to medical facility, or normal mode of transport is aircraft)
1	minimum	minimum	minimum
2 - 4	minimum	minimum plus • blankets, stretcher and splints • Class A attendant and supplies for high hazard work[2]	minimum plus • blankets, stretcher and splints • Class A attendant and supplies for high hazard work[2]
5 - 9	minimum plus • Class A attendant and supplies for high hazard work[2]	minimum plus • Class A attendant and supplies for high hazard work[2] • blankets, stretcher and splints	minimum plus • Class A attendant and attendant and supplies • blankets, stretcher and splints
10 - 20	minimum plus • Class A attendant and supplies	minimum plus • Class A attendant and supplies • blankets, stretcher and splints	minimum plus • Class A attendant and supplies • blankets, stretcher and splints
21 - 40	minimum plus • Class A attendant and supplies	minimum plus • Class A attendant and supplies • blankets, stretcher and splints	minimum plus • Class B attendant and supplies for high hazard work[2] • Class A attendant and supplies for other work • blankets, stretcher and splints

41 - 99	minimum plus • Class A attendant and supplies	minimum plus • Class B attendant and supplies for high hazard work[2] • Class A attendant and supplies for other work • blankets, stretcher and splints	minimum plus • Class A attendant for low hazard work[3] • EMT for high hazard work[2] • Class B attendant and supplies for other work • blankets, stretcher andsplints
100 +	minimum plus • 2 Class A attendants and supplies	minimum plus • First aid room • 1 EMT and 1 Class B attendant and supplies for high hazard work[2] • 2 Class A attendants and supplies for other work • blankets, stretcher and splints	minimum plus • First aid room • 1 EMT, 1 Class B attendant and supplies for high hazard work[2] • 2 Class A attendants and supplies for low hazard work • 2 Class B attendants and supplies for other work. • blankets, stretcher and splints

[1]Hospitals, medical facilities and other health care facilities where a physician or registered nurse is always readily available and close places of employment where the work is entirely low-hazard work are exempt.

[2]Activities that constitute high hazard work are listed in Table 8.

[3]Low hazard work is work of an administrative, professional or clerical nature that does not require substantial physical exertion or exposure to work processes, substances or other conditions that are potentially hazardous.

TABLE 10

[*Subsection 54(5), clause 56(1)(a), section 59*]

Required Contents of First Aid Box

Amounts or quantities of the following supplies and equipment adequate for the expected emergencies, contained in a well-marked container:

Antiseptic, wound solution or antiseptic swabs
Bandage – adhesive strips and hypoallergenic adhesive tape
Bandage – triangular, 100-centimetre folded, and safety pins
Bandage – gauze roller, various sizes
Dressing – sterile and wrapped gauze pads and compresses, various sizes including abdominal pad size
Dressing – self-adherent roller, various sizes
Pad with shield or tape for eye
Soap
Disposable latex or vinyl gloves
Pocket mask with disposable one-way rebreathe valves
Forceps – splinter
Scissors – bandage.

4 Oct 96 cO-1.1 Reg 1.

TABLE 11

[*Subsection 54(5) and clause 60(2)(a)*]

Additional Supplies and Equipment - Class A Qualification

Bag – hot water or hot pack
Bag – ice or cold water
Bandage – elastic, 5-centimetre and 10-centimetre widths
Sterile burn sheet
Any other first aid supplies and equipment that are appropriate to the dangers and other circumstances of the place of employment and commensurate with the training of the first aid attendant.

4 Oct 96 cO-1.1 Reg 1.

TABLE 12

[*Subsection 54(5) and clause 60(2)(b)*]

Additional Supplies and Equipment - Class B Qualification

Bag – hot water or hot pack
Bag – ice or cold water
Bandage – elastic, 5-centimetre and 10-centimetre widths
Sterile burn sheet
Stethoscope with a bell
Sphygmomanometer
Thermometer
Where there are potential causes of spinal injury, short and long spine boards with adequate restraining straps and medium and large cervical collars
Emergency oxygen system
Bag valve and mask resuscitator
Any other first aid supplies and equipment that are appropriate to the dangers and other circumstances of the place of employment and commensurate with the training of the first aid attendant.

4 Oct 96 cO-1.1 Reg 1.

TABLE 13

[*Section 71*]

Minimum Numbers of Toilet Facilities

Number of Toilet Facilities	
Number of Workers	Toilets
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
Add one toilet for each additional 30 workers or less.	

4 Oct 96 cO-1.1 Reg 1.

TABLE 14

[*Subsection 85(1)*]

Repealed. 4 Nov 2005 SR 112/2005 s8.

TABLE 14.1
[*Section 154*]

Minimum Training Requirements for Trained Operator of Power Mobile Equipment

In this Table, **"PME"** means Power Mobile Equipment

I Course Content:

A. *Occupational Health and Safety Regulations, 2007/08* Related to Power Mobile Equipment (PME):

1. Duties of employers and operators
2. Protection of workers, risk assessment and visual inspection
3. Operation of PME

B. Types of PME:

1. Terminology
2. Types of PME
3. Specific design of PME to be operated
4. Manufactures requirements, recommendations and specifications regarding load ratings and safety factors

C. Site Evaluation:

1. Check route of travel, clearances and ground conditions, including the presence of workers, structures, power lines, underground services or other equipment that may constitute a hazard
2. Check site of operation, including the nature of ground, gradients and potentially dangerous situations and the appropriate response

D. PME Controls:

1. Identification and use of controls
2. Pre-start check/ Post-operating check
3. Start-up
4. Perform operating adjustments
5. Shut-down

E. Operation of PME:

1. Movement to location
2. Set-up of PME
3. Check for safety of other persons before movement
4. Safety precautions while PME is unattended, in storage or in transit

F. Rigging where applicable:

1. Inspection of ropes and rigging equipment
2. Reeving: sheaves; spools; drums; wire ropes
3. Rigging loads: hooks; safety catches; shackles; end fittings and connections
4. Rigging slings: configurations; angles; safe working loads
5. Safety factors for loads and workers, wire rope inspection and maintenance

G Signalling where applicable:

1. Designated signaler: position; visibility; number of
2. Methods of signaling: hand; radio

H Maintenance of PME where applicable:

1. Maintenance schedule; planned preventative maintenance
2. Inspection and repair procedures
3. Blocking and the safe position of parts during maintenance and servicing

I Maintenance/repair records where applicable:

1. Record inspections, repair, maintenance, calibrations and work activities
2. Hours of service
3. Signed by the authorized person performing inspection, maintenance and calibration

II Course Duration:

A minimum of 16 hours, classroom and practical training combined.

An employer or contractor shall conduct an examination of practical skills for each operator required or permitted to operate a specific type of powered mobile equipment.

If an operator has previous experience in operating a specific type of powered mobile equipment and can demonstrate their ability to the satisfaction of the person directing the training program, that person, may accept the operator's previous training and experience as meeting all or any part of the requirements of the training program.

Where an operator has not operated a specific type of powered mobile equipment for a period of three or more years or where the powered mobile equipment design has changed significantly, the employer or contractor shall evaluate, re-train and re-examine the operator to ensure their competency.

10 Aug 2007 SR 67/2007 s33; 6 Mar 2009 SR 18/2009 s4.

TABLE 15
[*Subsection 175(3)*]

Minimum Dimensions of Members of Light Duty Wooden[1] Scaffolds (Height Less Than 6 Metres)

Dimensions of Members of Half-horse Scaffolds

1	Ledgers	38 x 140 millimetres
2	Legs	38 x 89 millimetres
3	Braces	19 x 140 millimetres
4	Bearers	19 x 140 millimetres

Dimensions of Members of Single-pole Scaffolds

1	Uprights	38 x 89 millimetres
2	Bearers	2 – 19 x 140 millimetres
3	Ledgers	19 x 140 millimetres
4	Braces	19 x 140 millimetres

Dimensions of Members of Double-pole Scaffolds

1	Uprights	38 x 89 millimetres
2	Bearers	2 – 19 x 140 millimetres
3	Ledgers	19 x 140 millimetres
4	Braces	19 x 140 millimetres

Dimensions of Members of Bracket Scaffolds

1	Uprights	38 x 89 millimetres
2	Bearers	38 x 89 millimetres
3	Braces	38 x 89 millimetres
4	Gusset[2]	19 millimetre plywood

[1] Number 1 structural grade spruce lumber or material of equivalent or greater strength.

[2] **"Gusset"** means a brace or angle bracket that is used to stiffen a corner or angular piece of work.

4 Oct 96 cO-1.1 Reg 1.

TABLE 16
[*Clause 204(1)(a)*]

Minimum Training Requirements for Competent Operator of a Crane

I Course Content:

A *Occupational Health and Safety Regulations, 1996* Related to Cranes:

Duties of employers and operators
Protection of workers
Approved standards for cranes
Operation of cranes
Maintenance of cranes
Signalling

B Types of Cranes:

Terminology
Types of cranes
Specific design of crane to be operated
Basic geometry of cranes, including effect of configuration changes and operating in different quadrants

C Site Evaluation:

Check route of travel, clearances and ground conditions, including the presence of structures, power lines or other equipment that may constitute a hazard
Check site of operation, including the nature of ground, gradients, stabilizers, tire pressure and blocking under outriggers
Identify potentially dangerous situations and the appropriate response

D Crane Controls:

Identify and use controls
Pre-start check
Start-up
Shut-down
Post-operating check
Perform operating adjustments

E Operation of Crane:

Movement to location
Set-up; extend stabilizers and outriggers
Change configuration; insert boom sections; extensions; jibs; counterweights
Check for safety of other persons before movement
Safety precautions while crane is unattended, in storage or in transit

F Load Estimation

Load gauge incorporated in the crane
Calculation of load from material density and volume
Incorporate weight of attachments, hook, block and headache ball

G Establish Capability of Crane:

Implications of moments, leverage and mechanical advantage on capability
Use of load charts to determine capability
Effect of boom length, angle and load radius
Effect of configuration changes, boom extension and jib
Centre of gravity
Abnormal loading; wind velocity
Multi-crane hoists

H Rigging:

Inspection of ropes and rigging equipment
Reeving: sheaves; spools; drums; wire ropes
Rigging loads: hooks; safety catches; shackles; end fittings and connections
Rigging slings: configurations; angles; safe working loads
Safety factors for loads and workers

I Signalling:

Designated signaller: position; visibility; number
Methods of signalling: hand; radio
Standard hand signals

J Maintenance of Crane:

Maintenance schedule; planned preventative maintenance
Inspection and repair procedures
Blocking and the safe position of parts during maintenance
Wire rope inspection and maintenance

K Log Books:

Record inspections, maintenance, calibrations and work activities
Hours of service
Signed by employer and person performing inspection, maintenance and calibration

II Course Duration:

A Overhead travelling crane or hoist: 40 hours, classroom and practical.

B Tower or mobile crane: 100 hours, classroom and practical.

C Crane used to raise or lower a worker in a personnel-lifting unit on a hoist line: 20 hours of classroom and 200 hours of practical experience operating the crane in addition to the requirements set out in items A and B.

TABLE 17

[*Sections 262 and 263*]

Excavation and Trench Shoring

Trench or Excavation Depth	Soil Type	Uprights	Braces				Wales
			Width of Excavation or Trench at Brace Location		Brace Spacing		
			1.8 m to 3.6 m	Up to 1.8 m	Vertical	Horizontal	
3.0 m or less	1	50 mm x 200 mm at 1.2 m o/c	200 mm x 200 mm	150 mm x 150 mm	1.2 m	*2.4 m	*200 mm x 200 mm
	2	50 mm x 200 mm at 1.2 m o/c	200 mm x 200 mm	150 mm x 150 mm	1.2 m	*2.4 m	*200 mm x 200 mm
	3	50 mm x 200 mm at 10 mm gap	200 mm x 200 mm	200 mm x 200 mm	1.2 m	2.4 m	250 mm x 250 mm
	4	75 mm x 200 mm at 10 mm gap	250 mm x 250 mm	200 mm x 200 mm	1.2 m	2.4 m	300 mm x 300 mm
Over 3.0 m to 4.5 m	1	50 mm x 200 mm with 10 mm gap	200 mm x 200 mm	150 mm x 150 mm	1.2 m	2.4 m	200 mm x 200 mm
	2	50 mm x 200 mm with 10 mm gap	200 mm x 200 mm	200 mm x 200 mm	1.2 m	2.4 m	250 mm x 250 mm
	3	50 mm x 200 mm with 10 mm gap	250 mm x 250 mm	250 mm x 250 mm	1.2 m	2.4 m	250 mm x 250 mm
Over 3.0 m to 4.0 m	4	75 mm x 200 mm with 10 mm gap	300 mm x 300 mm	300 mm x 300 mm	1.2 m	2.4 m	300 mm x 300 mm
Over 4.5 m to 6.0 m	1	50 mm x 200 mm with 10 mm gap	200 mm x 200 mm	200 mm x 200 mm	1.2 m	2.4 m	200 mm x 200 mm
	2	50 mm x 200 mm with 10 mm gap	250 mm x 250 mm	250 mm x 250 mm	1.2 m	2.4 m	250 mm x 250 mm
	3	50 mm x 200 mm with 10 mm gap	300 mm x 300 mm	300 mm x 300 mm	1.2 m	2.4 m	300 mm x 300 mm

* Note: for excavations and trenches to 3 m deep in soil types 1 and 2, the wales can be omitted if the braces are used at 1.2 m horizontal spacings.

4 Oct 96 cO-1.1 Reg 1.

TABLE 18

[*Clause 282(1)(a)*]

Hours of Work and Rest Periods for Work in Compressed Air

Column 1 Air pressure for one working period	Column 2 max. hours of work per 24 hours	Column 3 max. hours of work, 1st period	Column 4 min. hours of rest, 1st period	Column 5 max. hours of work, 2nd period	Column 6 min. hours of rest, 2nd period
Less than 96 kilopascals	7.5	3.75	1.25	3.25	0.25
96 kilopascals or more but less than 138 kilopascals	6	3	2.25	3	0.75
138 kilopascals or more but less than 180 kilopascals	4	2	3.5	2	1.5
180 kilopascals or more but less than 220 kilopascals	3	1.5	4.5	1.5	1.5
220 kilopascals or more but less than 262 kilopascals	2	1	5	1	2
262 kilopascals or more but less than 303 kilopascals	1.5	0.75	5.5	0.75	2
303 kilopascals or more but less than 345 kilopascals	1	0.5	6	0.5	2

4 Oct 96 cO-1.1 Reg 1.

TABLE 19

[*Sections 305 and 311*]

Notifiable Chemical and Biological Substances

A. Any of the following chemical substances or any mixture containing more than 1% of any of them:

CAS Number	Chemical Substance
92-67-1	4-Aminobiphenyl
492-80-8	Auramine
92-87-5	Benzidine
542-88-1	bis(Chloromethyl) ether
119-90-4	o-Dianisidine
91-94-1	3,3'-Dichlorobenzidine
107-30-2	Methyl chloromethyl ether
50-60-2	Mustard gas
91-59-8	2-Naphthylamine
92-93-3	4-Nitrobiphenyl
75-01-4	Vinyl chloride

B. Any of the following biological substances:

Genetically modified[1] microorganisms[2]

[1]"genetically modified" means genetic combinations not known to occur naturally. [2]"microorganisms" means any organism or consortium of organisms of microscopic size, including bacteria, protozoa, fungi, algae and viruses.

4 Oct 96 cO-1.1 Reg 1.

TABLE 20
[*Sections 306 and 311*]

Designated Chemical Substances

1. Any mixture containing less than 1% of any chemical substance listed in Table 19.

2. Any of the following chemical substances:

CAS* NUMBER	CHEMICAL SUBSTANCE
75-07-0	Acetaldehyde
60-35-5	Acetamide
79-06-1	Acrylamide
107-13-1	Acrylonitrile
1402-68-2	Aflatoxins
60-09-3	para-Aminoazobenzene
97-56-3	ortho-Aminoazotoluene
712-68-5	2-Amino-5(5-nitro-2-furyl)-1,3,4-thiadiazole
61-82-5	Amitrole
90-04-0	ortho-Anisidine
1309-64-4	Antimony trioxide
7440-38-2	Arsenic and arsenic mixtures
1332-21-4	Asbestos
1912-24-9	Atrazine
151-56-4	Aziridine
98-87-3	Benzal chloride
71-43-2	Benzene
_____	Benzidine-based dyes
271-89-6	Benzofuran
98-07-7	Benzotrichloride
98-88-4	Benzoyl chloride
100-44-7	Benzyl chloride
1694-09-3	Benzyl violet 4B
	Beryllium and beryllium compounds
75-27-4	Bromodichloromethane
3296-90-0	2,2-bis(bromomethyl)propane-1,3,-diol
106-99-0	1,3-Butadiene
3068-88-0	beta-Butyrolactone
25013-16-5	Butylated hydroxyanisole
	Cadmium and cadmium compounds
2425-06-1	Captafol
56-23-5	Carbon tetrachloride
9000-07-01	Carrageenan, degraded
_____	Chlordane isomers

CAS* NUMBER	CHEMICAL SUBSTANCE
115-28-6	Chlorendic acid
_____	Chlorinated paraffins
106-47-8	para-chloroaniline
67-66-3	Chloroform
95-57-8	2-Chlorophenol
108-43-0	3-Chlorophenol
106-48-9	4-Chlorophenol
95-83-0	4-Chloro-ortho-phenylenediamine
95-69-2	para-Chloro-ortho-toluidine
1897-45-6	Chlorothalonil
	Chromium compounds, hexavalent
6459-94-5	CI Red 114
569-61-9	CI Basic Red 9
2429-74-5	CI Direct Blue 15
6358-53-8	Citrus Red 2
8007-45-2	Coal-tar pitches
8007-45-2	Coal-tars
_____	Cobalt and cobalt compounds
8001-58-9	Creosotes
120-71-8	para-Cresidine
14901-08-7	Cycasin
_____	DDT and isomers
613-35-4	N,N'-Diacetylbenzidine
615-05-4	2,4-Diaminoanisole
101-80-4	4,4'-Diaminodiphenyl ether
95-80-7	2,4-Diaminotoluene
334-88-3	Diazomethane
226-36-8; 224-42-0	Dibenzacridine
96-12-8	1,2-Dibromo-3-chloropropane
79-43-6	Dichloroacetic acid
106-46-7	para-Dichlorobenzene
764-41-0	1,4-Dichloro-2-butene
107-06-2	1,2-Dichloroethane
75-09-2	Dichloromethane
542-75-6	1,3-Dichloropropene (technical grade)
62-73-7	Dichlorovos
1464-53-5	Diepoxybutane
117-81-7	Di(2-ethylhexyl)phthalate
	Diesel engine exhaust
1615-80-1	1,2-Diethylhydrazine
64-67-5	Diethyl sulphate

CAS* NUMBER	CHEMICAL SUBSTANCE
101-90-6	Diglycidyl resorcinol ether
2973-10-6	Diisopropyl sulphate
79-44-7	Dimethylcarbamoyl chloride
68-12-2	Dimethylformamide
57-14-7	1,1-Dimethylhydrazine
540-73-8	1,2-Dimethylhydrazine
77-78-1	Dimethyl sulphate
_____	Dinitropyrenes
25321-14-6	Dinitrotoluene
123-91-1	1,4-Dioxane
2475-48-8	Disperse blue
106-89-8	Epichlorohydrin
106-88-7	1,2-Epoxybutane
66733-21-9	Erionite
140-88-5	Ethyl acrylate
74-96-4	Ethyl bromide
106-93-4	Ethylene dibromide
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
62-50-0	Ethyl methanesulphonate
759-73-9	N-Ethyl-N-nitrosourea
50-00-0	Formaldehyde
3570-75-0	2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole
_____	Gasoline
765-34-4	Glycidaldehyde
2784-94-3	HC Blue 1
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
608-73-1	Hexachlorocyclohexanes
67-72-1	Hexachloroethane
680-31-9	Hexamethylphosphoramide
302-01-2	Hydrazine
22398-80-7	Indium phosphide
193-39-5	Indone[1,2,3-cd]pyrene

CAS* NUMBER	CHEMICAL SUBSTANCE
78-79-5	Isoprene
143-50-0	Kepone
_____	Lead (+ compounds), inorganics
632-99-5	Magenta (contains CI Basic Red 9)
_____	Marine diesel fuels
484-20-8	5-Methoxypsoralen
75-55-8	2-Methylaziridine
101-14-4	4,4'-Methylene bis (2-chloroaniline)
838-88-0	4,4'-Methylene bis (2-methylaniline)
101-77-9	4,4'-Methylene dianiline
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide
_____	Methylmercury Compounds
66-27-3	Methyl methanesulphonate
129-15-7	2-Methyl-1-nitroanthraquinone
684-93-5	N-Methyl-N-nitrosourea
615-53-2	N-Methyl-N-nitrosourethane
8012-95-1	Mineral oils, untreated and mildly treated
2385-85-5	Mirex
50-60-2	Mustard gas
_____	Nickel (+ compounds)
12035-72-2	Nickel subsulphide
_____	Nitrilotriacetic acid and its salts
1836-75-5	Nitrofen (technical grade)
607-57-8	2-Nitrofluorene
555-84-0	1-[(5-Nitrofurfurylidene)amino]-2-imidazolidinone
51-75-2	Nitrogen mustard
79-46-9	2-Nitropropane
5522-43-0;	Nitropyrene isomers
57835-92-4	
924-16-3	N-Nitrosodi-n-butylamine
1116-54-7	N-Nitrosodiethanolamine
55-18-5	N-Nitrosodiethylamine
62-75-9	N-Nitrosodimethylamine
621-64-7	N-Nitrosodi-N-propylamine
4549-40-0	N-Nitrosomethylvinylamine
59-89-2	N-Nitrosomorpholine

CAS* NUMBER	CHEMICAL SUBSTANCE
16543-55-8	N-Nitrosonornicotine
100-75-4	N-Nitrosopiperidine
930-55-2	N-Nitrosopyrrolidine
13256-22-9	N-Nitrososarcosine
2646-17-5	Oil orange SS
12174-11-7	Palygorskite (attapulgite)(long fibres, > 5 micron
_____	Penta/hexa cyclic unsubstituted
	aromatic hydrocarbons
135-88-6	N-Phenyl-beta-naphthylamine
95-54-5	o-Phenylenediamine
122-60-1	Phenylglycidyl ether
100-63-0	Phenylhydrazine
36355-01-8	Polybrominated biphenyls
1336-36-3	Polychlorinated biphenyls
3564-0908;	Ponceau 3R
3761-53-3	
7758-01-2	Potassium bromate
1120-71-4	1,3-Propane sultone
57-57-8	ß-Propiolactone
75-55-8	Propylene imine
75-56-9	Propylene oxide
	Refractory ceramic fibres
_____	Residual fuel oils (heavy fuel oils)
94-59-7	Safrole
68308-34-9	Shale-oils
_____	Silica crystalline (respirable size)
409-21-2	Silicon carbide, fibrous (including whiskers)
132-27-4	Sodium ortho-phenylphenate
_____	Soots from pyrolysis of heating fuels
100-42-5	Styrene
96-09-3	Styrene-7,8-oxide
95-06-7	Sulphallate
	Sulphuric acid (strong acid mist exposure, only)
1746-01-6	2,3,7,8-Tetrachlorodibenzo-para-dioxin
127-18-4	Tetrachloroethylene
116-14-3	Tetrafluoroethylene

CAS* NUMBER	CHEMICAL SUBSTANCE
509-14-8	Tetranitromethane
62-55-5	Thioacetamide
139-65-1	Thiodianiline
141-90-2	Thiouracil
62-56-6	Thiourea
119-93-7	ortho-Tolidine
584-84-9	Toluene diisocyanates
95-53-4	ortho-Toluidine
106-49-0	para-Toluidine
8001-35-2	Chlorinated camphene
52-24-4	Tris(1-aziridinyl)phosphine sulphide
126-72-7	Tris(2,3-dibromopropyl)phosphate
72-57-1	Trypan Blue
	Uranium, (natural) soluble and insoluble compounds
51-79-6	Urethane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
100-40-3	4-Vinyl cyclohexene
106-87-6	Vinyl cyclohexene dioxide
75-02-5	Vinyl fluoride
	Wood dusts (Oak, Beech, Birch, Mahogany, Teak and Walnut)
13530-65-9; 11103-86-9; 37300-23-5	Zinc chromates
1300-73-8	Xylidine isomers

* CAS means the Chemical Abstracts Service Division of the American Chemical Society.

10 Aug 2007 SR 67/2007 s33.

Table 21

Contamination Limits

[*Sections 307 and 309, clause 346(f)*]

Also check Tables 19 and 20 for substances
(such as asbestos and benzene) with additional requirements

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
75-07-0	Acetaldehyde	**C25 ppm		T20
64-19-7	Acetic acid	10 ppm	15 ppm	
108-24-7	Acetic anhydride	5 ppm	10 ppm	
67-64-1	Acetone	500 ppm	750 ppm	
75-86-5	Acetone cyanohydrin, as CN	**C5 mg/m³		Skin
75-05-8	Acetonitrile	20 ppm	30 ppm	Skin
98-86-2	Acetophenone	10 ppm	15 ppm	
79-27-6	Acetylene tetrabromide	1 ppm	3 ppm	
50-78-2	Acetylsalicylic acid	5 mg/m³	10 mg/m³	
107-02-8	Acrolein	**C0.1 ppm		Skin
79-06-1	Acrylamide (inhalable fraction++ and vapour)	0.03 mg/m³	0.09 mg/m³	T20, Skin
79-10-7	Acrylic acid	2 ppm	4 ppm	Skin
107-13-1	Acrylonitrile	2 ppm	4 ppm	Skin, T20
124-04-9	Adipic acid	5 mg/m³	10 mg/m³	
111-69-3	Adiponitrile	2 ppm	4 ppm	Skin
309-00-2	Aldrin	0.25 mg/m³	0.75 mg/m³	Skin
	Aliphatic hydrocarbon gases, Alkane [C1-C4]	1000 ppm	1250 ppm	
107-18-6	Allyl alcohol	0.5 ppm	1.5 ppm	Skin
107-05-1	Allyl chloride	1 ppm	2 ppm	
106-92-3	Allyl glycidyl ether (AGE)	1 ppm	3 ppm	
2179-59-1	Allyl propyl disulphide	0.5 ppm	1.5 ppm	SEN
7429-90-5	Aluminum and compounds (as Al):			
	Metal dust	10 mg/m³	20 mg/m³	
	Pyro powders	5 mg/m³	10 mg/m³	
	Soluble salts	2 mg/m³	4 mg/m³	
	Alkyls, not otherwise specified	2 mg/m³	4 mg/m³	
1344-28-1	Aluminum oxide	10 mg/m³	20 mg/m³	
504-29-0	2-Aminopyridine	0.5 ppm	1.0 ppm	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
61-82-5	Amitrole	0.2 mg/m³	0.6 mg/m³	T20
7664-41-7	Ammonia	25 ppm	35 ppm	
12125-02-9	Ammonium chloride fume	10 mg/m³	20 mg/m³	
3825-26-1	Ammonium perfluorooctanoate	0.01 mg/m³	0.03 mg/m³	Skin
7773-06-0	Ammonium sulphamate (Ammate)	10 mg/m³	20 mg/m³	
994-05-8	tert-Amyl methyl ether (TAME)	20 ppm	30 ppm	
62-53-3	Aniline	2 ppm	4 ppm	Skin
90-04-0	o-Anisidine	0.5 mg/m³	1.5 mg/m³	Skin, T20
104-94-9	p-Anisidine	0.5 mg/m³	1.5 mg/m³	Skin
7440-36-0	Antimony and compounds, (as Sb)	0.5 mg/m³	1.5 mg/m³	
86-88-4	ANTU (alpha-Naphthyl thiourea)	0.3 mg/m³	0.9 mg/m³	
7440-38-2	Arsenic, and inorganic compounds, (as As)	0.01 mg/m³	0.03 mg/m³	T20
7784-42-1	Arsine	0.05 ppm	0.15 ppm	
8052-42-4	Asphalt (bitumen) fume, as benzene soluble aerosol (inhalable fraction++)	0.5 mg/m³	1.5 mg/m³	
1912-24-9	Atrazine	5 mg/m³	10 mg/m³	T20
86-50-0	Azinphos-methyl (inhalable fraction++ and vapour)	0.2 mg/m³	0.6 mg/m³	Skin; SEN
7440-39-3	Barium and soluble	compounds, (as Ba)	0.5 mg/m³	1.5 mg/m³
7727-43-7	Barium sulphate	10 mg/m³	20 mg/m³	
17804-35-2	Benomyl	10 mg/m³	20 mg/m³	
98-07-7	Benzotrichloride	**C0.1 ppm		Skin, T20
98-88-4	Benzoyl chloride	**C0.5 ppm		T20
94-36-0	Benzoyl peroxide	5 mg/m³	10 mg/m³	
140-11-4	Benzyl acetate	10 ppm	20 ppm	
100-44-7	Benzyl chloride	1 ppm	2 ppm	T20
7440-41-7	Beryllium and compounds, (as Be)	0.002 mg/m³	0.01 mg/m³	T20
92-52-4	Biphenyl (diphenyl)	0.2 ppm	0.6 ppm	
3033-62-3	Bis (2-dimethylaminoethyl) ether (DMAEE)	0.05 ppm	0.15 ppm	Skin
1304-82-1	Bismuth telluride			
	Undoped	10 mg/m³	20 mg/m³	
	Se-doped, as Bi_2Te_3	5 mg/m³	10 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
1330-43-4; 1303-96-4; 10043-35-3; 12179-04-3	Borate compounds, inorganic (inhalable fraction++)	2 mg/m³	6 mg/m³	
1303-86-2	Boron oxide	10 mg/m³	20 mg/m³	
10294-33-4	Boron tribromide	**C1 ppm		
7637-07-2	Boron trifluoride	**C1 ppm		
314-40-9	Bromacil	10 mg/m³	20 mg/m³	
7726-95-6	Bromine	0.1 ppm	0.2 ppm	
7789-30-2	Bromine pentafluoride	0.1 ppm	0.3 ppm	
74-97-5	Bromochloromethane (Chlorobromomethane)	200 ppm	250 ppm	
75-25-2	Bromoform	0.5 ppm	1.5 ppm	Skin
106-94-5	1-Bromopropane	10 ppm	20 ppm	
106-99-0	1,3-Butadiene	2 ppm	4 ppm	T20
106-97-8; 75-28-5	Butane, All isomers	See Aliphatic hydrocarbon gases [C1-C4]		
111-76-2	2-Butoxyethanol (Butyl Cellosolve or EGBE)	20 ppm	30 ppm	
112-07-2	2-Butoxyethyl acetate (EGBEA)	20 ppm	30 ppm	
123-86-4	n-Butyl acetate	150 ppm	200 ppm	
105-46-4	sec-Butyl acetate	200 ppm	250 ppm	
540-88-5	tert-Butyl acetate	200 ppm	250 ppm	
141-32-2	n-Butyl acrylate	2 ppm	4 ppm	SEN
71-36-3	n-Butyl alcohol (n-butanol)	20 ppm	30 ppm	
78-92-2	sec-Butyl alcohol (sec-butanol)	100 ppm	125 ppm	
75-65-0	tert-Butyl alcohol (tert-butanol)	100 ppm	125 ppm	
109-73-9	n-Butylamine	**C5 ppm		Skin
1189-85-1	tert-Butyl chromate, (as $Cr0_3$)	**C0.1 mg/m³		Skin
2426-08-6	n-Butyl glycidyl ether (BGE)	3 ppm	6 ppm	Skin, SEN
138-22-7	n-Butyl lactate	5 ppm	10 ppm	
109-79-5	n-Butyl mercaptan	0.5 ppm	1.5 ppm	
89-72-5	o-sec-Butylphenol	5 ppm	7 ppm	Skin
98-51-1	p-tert-Butyltoluene	1 ppm	2 ppm	
7440-43-9	Cadmium, and compounds, (as Cd):			T20
	(total fraction)	0.01 mg/m³	0.03 mg/m³	
	(respirable fraction++)	0.002 mg/m³	0.006 mg/m³	
1317-65-3	Calcium carbonate	10 mg/m³	20 mg/m³	
13765-19-0	Calcium chromate, (as Cr)	0.001 mg/m³	0.003 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
156-62-7	Calcium cyanamide	0.5 mg/m³	1.5 mg/m³	
1305-62-0	Calcium hydroxide	5 mg/m³	10 mg/m³	
1305-78-8	Calcium oxide	2 mg/m³	4 mg/m³	
1344-95-2	Calcium silicate, synthetic nonfibrous	10 mg/m³	20 mg/m³	
76-22-2	Camphor, synthetic	2 ppm	3 ppm	
105-60-2	Caprolactam (inhalable fraction++ and vapour)	5 mg/m³	10 mg/m³	
2425-06-1	Captafol	0.1 mg/m³	0.3 mg/m³	Skin, T20
133-06-2	Captan (inhalable fraction++)	5 mg/m³	10 mg/m³	SEN
63-25-2	Carbaryl	5 mg/m³	10 mg/m³	
1563-66-2	Carbofuran (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	
1333-86-4	Carbon black	3.5 mg/m³	7 mg/m³	
124-38-9	Carbon dioxide	5000 ppm	30,000 ppm	
75-15-0	Carbon disulphide	10 ppm	15 ppm	Skin
630-08-0	Carbon monoxide	25 ppm	190 ppm	
558-13-4	Carbon tetrabromide	0.1 ppm	0.3 ppm	
75-44-5	Carbonyl chloride (Phosgene)	0.1 ppm	0.3 ppm	
353-50-4	Carbonyl fluoride	2 ppm	5 ppm	
120-80-9	Catechol (Pyrocatechol)	5 ppm	7.8 ppm	Skin
9004-34-6	Cellulose (paper fibre)	10 mg/m³	20 mg/m³	
21351-79-1	Cesium hydroxide	2 mg/m³	4 mg/m³	
57-74-9	Chlordane	0.5 mg/m³	1.5 mg/m³	Skin
8001-35-2	Chlorinated camphene	0.5 mg/m³	1 mg/m³	Skin, T20
31242-93-0	o-Chlorinated diphenyl oxide	0.5 mg/m³	1.5 mg/m³	
7782-50-5	Chlorine	0.5 ppm	1 ppm	
10049-04-4	Chlorine dioxide	0.1 ppm	0.3 ppm	
7790-91-2	Chlorine trifluoride	**C 0.1 ppm		
107-20-0	Chloroacetaldehyde	**C1 ppm		
78-95-5	Chloroacetone	**C1 ppm		Skin
532-27-4	alpha-Chloroacetophenone (Phenacyl chloride)	0.05 ppm	0.15 ppm	
79-04-9	Chloroacetyl chloride	0.05 ppm	0.15 ppm	Skin
108-90-7	Chlorobenzene (Monochlorobenzene)	10 ppm	15 ppm	
2698-41-1	o-Chlorobenzylidene malononitrile	**C0.05 ppm		Skin
126-99-8	2-Chloro-1,3-butadiene (beta-Chloroprene)	10 ppm	15 ppm	Skin
75-45-6	Chlorodifluoromethane	1000 ppm	1250 ppm	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
53469-21-9	Chlorodiphenyl (42% chlorine)	1 mg/m³	3 mg/m³	Skin
11097-69-1	Chlorodiphenyl (54% chlorine)	0.5 mg/m³	1.5 mg/m³	Skin
107-07-3	2-Chloroethanol (Ethylene chlorohydrin)	**C1.0 ppm		Skin
600-25-9	1-Chloro-1-nitropropane	2 ppm	4 ppm	
76-15-3	Chloropentafluoroethane	1000 ppm	1250 ppm	
76-06-2	Chloropicrin	0.1 ppm	0.3 ppm	
127-00-4; 78-89-7	1-Chloro-2-propanol and 2-Chloro-1-propanol	1 ppm	3 ppm	Skin
598-78-7	2-Chloropropionic acid	0.1 ppm	0.3 ppm	Skin
2039-87-4	o-Chlorostyrene	50 ppm	75 ppm	
95-49-8	o-Chlorotoluene	50 ppm	65 ppm	
2921-88-2	Chlorpyrifos, (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	Skin
7440-47-3	Chromium metal and inorganic compounds, (as Cr):			
	Metal and Cr (III) compounds	0.5 mg/m³	1.5 mg/m³	
	Water soluble Cr (VI) compounds	0.05 mg/m³	0.15 mg/m³	T20
	Insoluble Cr (VI) compounds	0.01 mg/m³	0.03 mg/m³	T20
14977-61-8	Chromyl chloride	0.025 ppm	0.07 ppm	
2971-90-6	Clopidol	10 mg/m³	20 mg/m³	
	Coal dust:			
	Anthracite (respirable fraction++)	0.4 mg/m³	1.2 mg/m³	
	Bituminous (respirable fraction++)	0.9 mg/m³	2.7 mg/m³	
65996-93-2	Coal tar pitch volatiles, as benzene soluble aerosol (See Particulate polycyclic aromatic hydrocarbons)	0.2 mg/m³	0.6 mg/m³	T20
7440-48-4	Cobalt and inorganic compounds, (as Co)	0.02 mg/m³	0.06 mg/m³	T20
10210-68-1	Cobalt carbonyl, (as Co)	0.1 mg/m³	0.3 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
16842-03-8	Cobalt hydrocarbonyl, (as Co)	0.1 mg/m³	0.3 mg/m³	
7440-50-8	Copper, (as Cu):			
	fume	0.2 mg/m³	0.6 mg/m³	
	dusts and mists	1 mg/m³	3 mg/m³	
_____	Cotton dust, raw	0.2 mg/m³	0.6 mg/m³	
1319-77-3	Cresol, all isomers	5 ppm	10 ppm	Skin
4170-30-3	Crotonaldehyde	**C 0.3 ppm		Skin
299-86-5	Crufomate	5 mg/m³	10 mg/m³	
98-82-8	Cumene	50 ppm	74 ppm	
420-04-2	Cyanamide	2 mg/m³	4 mg/m³	
460-19-5	Cyanogen	10 ppm	15 ppm	
506-77-4	Cyanogen chloride	**C0.3 ppm		
110-82-7	Cyclohexane	100 ppm	150 ppm	
108-93-0	Cyclohexanol	50 ppm	62 ppm	Skin
108-94-1	Cyclohexanone	20 ppm	50 ppm	Skin
110-83-8	Cyclohexene	300 ppm	375 ppm	
108-91-8	Cyclohexylamine	10 ppm	15 ppm	
121-82-4	Cyclonite (RDX)	0.5 mg/m³	1.5 mg/m³	Skin
542-92-7	Cyclopentadiene	75 ppm	94 ppm	
287-92-3	Cyclopentane	600 ppm	900 ppm	
13121-70-5	Cyhexatin	5 mg/m³	10 mg/m³	
94-75-7	2,4-D (2,4-Dichlorophenoxy-acetic acid)	10 mg/m³	20 mg/m³	
50-29-3	DDT (Dichlorodiphenyltrichloro-ethane)	1 mg/m³	3 mg/m³	T20
17702-41-9	Decaborane	0.05 ppm	0.15 ppm	Skin
8065-48-3	Demeton (inhalable fraction++ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
919-86-8	Demeton-S-methyl, (inhalable fraction++ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin, SEN
123-42-2	Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50 ppm	60 ppm	
333-41-5	Diazinon, (inhalable fraction++ and vapour)	0.01 mg/m³	0.03 mg/m³	Skin
334-88-3	Diazomethane	0.2 ppm	0.6 ppm	T20
19287-45-7	Diborane	0.1 ppm	0.3 ppm	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
102-81-8	2-N-Dibutylaminoethanol	0.5 ppm	1 ppm	Skin
2528-36-1	Dibutyl phenyl phosphate	0.3 ppm	0.6 ppm	Skin
107-66-4	Dibutyl phosphate	1 ppm	2 ppm	
84-74-2	Dibutyl phthalate	5 mg/m³	10 mg/m³	
79-43-6	Dichloroacetic acid	0.5 ppm	1.5 ppm	Skin, T20
7572-29-4	Dichloracetylene	**C0.1 ppm		
95-50-1	o-Dichlorobenzene	25 ppm	50 ppm	
106-46-7	p-Dichlorobenzene	10 ppm	15 ppm	T20
764-41-0	1,4-Dichloro-2-butene	0.005 ppm	0.015 ppm	Skin, T20
75-71-8	Dichlorodifluoromethane	1000 ppm	1250 ppm	
118-52-5	1,3-Dichloro-5, 5-dimethyl hydantoin	0.2 mg/m³	0.4 mg/m³	
75-34-3	1,1-Dichloroethane	100 ppm	125 ppm	
540-59-0; 156-59-2; 156-60-5	1,2-Dichloroethylene, all isomers	200 ppm	250 ppm	
111-44-4	Dichloroethyl ether	5 ppm	10 ppm	Skin
75-43-4	Dichlorofluoromethane	10 ppm	15 ppm	
75-09-2	Dichloromethane	50 ppm	75 ppm	T20
594-72-9	1,1-Dichloro-1-nitroethane	2 ppm	4 ppm	
542-75-6	1,3-Dichloropropene	1 ppm	2 ppm	Skin, T20
75-99-0	2,2-Dichloropropionic acid, (inhalable fraction++)	5 mg/m³	10 mg/m³	
76-14-2	Dichlorotetrafluoroethane	1000 ppm	1250 ppm	
62-73-7	Dichlorvos (DDVP), (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	Skin, SEN, T20
141-66-2	Dicrotophos, (inhalable fraction++ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
77-73-6	Dicyclopentadiene	5 ppm	8 ppm	
102-54-5	Dicyclopentadienyl iron	10 mg/m³	20 mg/m³	
60-57-1	Dieldrin	0.25 mg/m³	0.75 mg/m³	Skin
683334-30-5; 68476-30-2; 68476-31-3; 68476-34-6; 77650-28-3	Diesel fuel as total hydrocarbons, (vapour)	100 mg/m³	150 mg/m³	Skin
111-42-2	Diethanolamine	2 mg/m³	4 mg/m³	Skin
109-89-7	Diethylamine	5 ppm	15 ppm	Skin
100-37-8	2-Diethylaminoethanol	2 ppm	4 ppm	Skin
111-40-0	Diethylene triamine	1 ppm	2 ppm	Skin

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
96-22-0	Diethyl ketone	200 ppm	300 ppm	
84-66-2	Diethyl phthalate	5 mg/m³	10 mg/m³	
75-61-6	Difluorodibromomethane	100 ppm	125 ppm	
2238-07-5	Diglycidyl ether (DGE)	0.1 ppm	0.3 ppm	
108-83-8	Diisobutyl ketone	25 ppm	30 ppm	
108-18-9	Diisopropylamine	5 ppm	7 ppm	Skin
127-19-5	N,N-Dimethylacetamide	10 ppm	15 ppm	Skin
124-40-3	Dimethylamine	5 ppm	15 ppm	
121-69-7	Dimethylaniline (N, N-Dimethylaniline)	5 ppm	10 ppm	Skin
14857-34-2	Dimethylethoxysilane	0.5 ppm	1.5 ppm	
68-12-2	Dimethylformamide	10 ppm	15 ppm	Skin, T20
57-14-7	1,1-Dimethylhydrazine	0.01 ppm	0.03 ppm	Skin, T20
131-11-3	Dimethylphthalate	5 mg/m³	10 mg/m³	
77-78-1	Dimethyl sulphate	0.1 ppm	0.3 ppm	Skin, T20
75-18-3	Dimethyl sulphide	10 ppm	20 ppm	
148-01-6	Dinitolmide	5 mg/m³	10 mg/m³	
528-29-0; 99-65-0; 100-25-4; 25154-54-5	Dinitrobenzene (all isomers)	0.15 ppm	0.30 ppm	Skin
534-52-1	Dinitro-o-cresol	0.2 mg/m³	0.6 mg/m³	Skin
25321-14-6	Dinitrotoluene	0.2 mg/m³	0.6 mg/m³	Skin, T20
123-91-1	1,4-Dioxane	20 ppm	30 ppm	Skin, T20
78-34-2	Dioxathion (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	Skin
646-06-0	1,3-Dioxolane	20 ppm	30 ppm	
122-39-4	Diphenylamine	10 mg/m³	20 mg/m³	
34590-94-8	Dipropylene glycol methyl ether (DPGME)	100 ppm	150 ppm	Skin
123-19-3	Dipropyl ketone	50 ppm	60 ppm	
2764-72-9;	Diquat:			
85-00-7;	(inhalable fraction++)	0.5 mg/m³	1.5 mg/m³	Skin
6385-62-2	(respirable fraction++)	0.1 mg/m³	0.3 mg/m³	Skin
117-81-7	Di-sec, octyl phthalate (Di-2-ethylhexyl phthalate or DEHP)	5 mg/m³	10 mg/m³	T20
97-77-8	Disulphiram	2 mg/m³	4 mg/m³	
298-04-4	Disulphoton, (inhalable fraction++ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
128-37-0	2,6-Di-tert-butyl-p-cresol (butylated hydroxytoluene or BHT) (inhalable fraction++ and vapour)	2 mg/m³	4 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
330-54-1	Diuron	10 mg/m³	20 mg/m³	
1321-74-0	Divinyl benzene	10 ppm	15 ppm	
112-55-0	Dodecyl mercaptan	0.1 ppm	0.3 ppm	SEN
1302-74-5	Emery	10 mg/m³	20 mg/m³	
115-29-7	Endosulphan	0.1 mg/m³	0.3 mg/m³	Skin
72-20-8	Endrin	0.1 mg/m³	0.3 mg/m³	Skin
13838-16-9	Enflurane	75 ppm	100 ppm	
106-89-8	Epichlorohydrin	0.5 ppm	1.5 ppm	Skin, T20
2104-64-5	EPN (inhalable fraction++)	0.1 mg/m³	0.3 mg/m³	Skin
74-84-0	Ethane	See Aliphatic hydrocarbon gases [C1-C4]		
64-17-5	Ethanol	1000 ppm	1250 ppm	
141-43-5	Ethanolamine	3 ppm	6 ppm	
563-12-2	Ethion, (inhalable fraction++ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
110-80-5	2-Ethoxyethanol (Glycol monoethyl ether)	5 ppm	7 ppm	Skin
111-15-9	2-Ethyoxyethyl acetate (Cellosolve acetate)	5 ppm	8 ppm	Skin
141-78-6	Ethyl acetate	400 ppm	500 ppm	
140-88-5	Ethyl acrylate	5 ppm	15 ppm	T20
75-04-7	Ethylamine	5 ppm	15 ppm	Skin
541-85-5	Ethyl amyl ketone (5-Methyl-3-heptanone)	25 ppm	30 ppm	
100-41-4	Ethyl benzene	100 ppm	125 ppm	T20
74-96-4	Ethyl bromide	5 ppm	7 ppm	Skin
637-92-3	Ethyl tert-butyl ether	5 ppm	10 ppm	
106-35-4	Ethyl butyl ketone (3-Heptanone)	50 ppm	75 ppm	
75-00-3	Ethyl chloride	100 ppm	125 ppm	Skin
7085-85-0	Ethyl cyanoacrylate	0.2 ppm	0.6 ppm	
74-85-1	Ethylene	200 ppm	250 ppm	
107-15-3	Ethylenediamine	10 ppm	15 ppm	Skin
107-06-2	Ethylene dichloride	10 ppm	20 ppm	
107-21-1	Ethylene glycol, (as an aerosol)	**C 100 mg/m³		
628-96-6	Ethylene glycol dinitrate (EGDN)	0.05 ppm	0.15 ppm	Skin
75-21-8	Ethylene oxide	1 ppm	2 ppm	T20

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
151-56-4	Ethylenimine	0.5 ppm	1.5 ppm	Skin, T20
60-29-7	Ethyl ether	400 ppm	500 ppm	
109-94-4	Ethyl formate	100 ppm	150 ppm	
149-57-5	2-Ethylhexanoic acid, (inhalable fraction++ and vapour)	5 mg/m³	10 mg/m³	
16219-75-3	Ethylidene norbornene	**C5 ppm		
75-08-1	Ethyl mercaptan	0.5 ppm	1.5 ppm	
100-74-3	N-Ethylmorpholine	5 ppm	8 ppm	Skin
78-10-4	Ethyl silicate	10 ppm	15 ppm	
22224-92-6	Fenamiphos	0.1 mg/m³	0.3 mg/m³	Skin
115-90-2	Fensulphothion (inhalable fraction++ and vapour)	0.01 mg/m³	0.03 mg/m³	Skin
55-38-9	Fenthion	0.2 mg/m³	0.6 mg/m³	Skin
14484-64-1	Ferbam	10 mg/m³	20 mg/m³	
12604-58-9	Ferrovanadium dust	1 mg/m³	3 mg/m³	
	Flour dust	3 mg/m³	6 mg/m³	SEN
_____	Fluoride, (as F)	2.5 mg/m³	5 mg/m³	
7782-41-4	Fluorine	1 ppm	2 ppm	
944-22-9	Fonofos	0.1 mg/m³	0.3 mg/m³	Skin
50-00-0	Formaldehyde	**C0.3 ppm		SEN, T20
75-12-7	Formamide	10 ppm	15 ppm	Skin
64-18-6	Formic acid	5 ppm	10 ppm	
98-01-1	Furfural	2 ppm	4 ppm	Skin
98-00-0	Furfuryl alcohol	10 ppm	15 ppm	Skin
1303-00-0	Gallium arsenide (respirable fraction++)	0.0003 mg/m³	0.0009 mg/m³	
86290-81-5	Gasoline	300 ppm	500 ppm	
7782-65-2	Germanium tetrahydride	0.2 ppm	0.6 ppm	
111-30-8	Glutaraldehyde, activated and inactivated	**C0.05 ppm		SEN
56-81-5	Glycerin mist	10 mg/m³	20 mg/m³	
556-52-5	Glycidol	2 ppm	4 ppm	
107-22-2	Glyoxal, (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	SEN
_____	Grain dust (oat, wheat, barley)	4 mg/m³	8 mg/m³	
7782-42-5	Graphite, natural-all forms except graphite fibres (respirable fraction++)	2 mg/m³	4 mg/m³	
7778-18-9	Gypsum (Calcium sulphate)	10 mg/m³	20 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
7440-58-6	Hafnium and compounds, (as Hf)	0.5 mg/m³	1.5 mg/m³	
151-67-7	Halothane	50 ppm	60 ppm	
76-44-8; 1024-57-3	Heptachlor and Heptchlor epoxide	0.05 mg/m³	0.15 mg/m³	Skin, T20
142-82-5	Heptane (n-Heptane)	400 ppm	500 ppm	
118-74-1	Hexachlorobenzene	0.002 mg/m³	0.006 mg/m³	Skin, T20
87-68-3	Hexachlorobutadiene	0.02 ppm	0.06 ppm	Skin, T20
77-47-4	Hexachlorocyclopentadiene	0.01 ppm	0.03 ppm	
67-72-1	Hexachloroethane	1 ppm	2 ppm	Skin, T20
1335-87-1	Hexachloronaphthalene	0.2 mg/m³	0.6 mg/m³	Skin
684-16-2	Hexafluoroacetone	0.1 ppm	0.3 ppm	Skin
85-42-7; 13149-00-3; 14166-21-3	Hexahydrophthalic anhydride, (inhalable fraction++ and vapour), all isomers	**C0.005 mg/m³		SEN
822-06-0	Hexamethylene diisocyanate	0.005 ppm	0.015 ppm	
110-54-3	Hexane (n-Hexane)	50 ppm	62.5 ppm	Skin
_____	Hexane (other isomers)	500 ppm	1000 ppm	
124-09-4	Hexanediamine	0.5 ppm	1.0 ppm	
592-41-6	1-Hexene	50 ppm	75 ppm	
108-84-9	sec-Hexyl acetate	50 ppm	60 ppm	
107-41-5	Hexylene glycol	**C25 ppm		
302-01-2	Hydrazine	0.01 ppm	0.03 ppm	Skin, T20
61788-32-7	Hydrogenated terphenyls (nonirradiated)	0.5 ppm	1.5 ppm	
10035-10-6	Hydrogen bromide	**C2 ppm		
7647-01-0	Hydrogen chloride	**C2 ppm		
	Hydrogen cyanide and cyanide salts, (as CN):			
74-90-8	Hydrogen cyanide	**C4.7 ppm		Skin
592-01-8; 151-50-8; 143-33-9	Cyanide salts	**C 5 mg/m³		Skin
7664-39-3	Hydrogen fluoride, (as F)	0.5 ppm	**C 2 ppm	
7722-84-1	Hydrogen peroxide	1 ppm	2 ppm	
7783-07-5	Hydrogen selenide, (as Se)	0.05 ppm	0.15 ppm	
7783-06-4	Hydrogen sulphide	10 ppm	15 ppm	
123-31-9	Hydroquinone	2 mg/m³	4 mg/m³	
999-61-1	2-Hydroxypropyl acrylate	0.5 ppm	1 ppm	Skin, SEN

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
95-13-6	Indene	10 ppm	15 ppm	
7440-74-6	Indium and Compounds, (as In)	0.1 mg/m^3	0.3 mg/m^3	T20 (Indium phosphide)
7553-56-2	Iodine	**C0.1 ppm		
75-47-8	Iodoform	0.6 ppm	1.2 ppm	
1309-37-1	Iron oxide fume, (dust and fume) (Fe_2O_3, as Fe)	5 mg/m^3	10 mg/m^3	
13463-40-6	Iron pentacarbonyl, (as Fe)	0.1 ppm	0.2 ppm	
_____	Iron salts, soluble, (as Fe)	1 mg/m^3	3 mg/m^3	
123-51-3	Isoamyl alcohol	100 ppm	125 ppm	
110-19-0	Isobutyl acetate	150 ppm	188 ppm	
78-83-1	Isobutyl alcohol	50 ppm	60 ppm	
542-56-3	Isobutyl nitrite, (inhalable fraction++ and vapour)	**C1 ppm		
26952-21-6	Isooctyl alcohol	50 ppm	60 ppm	Skin
78-59-1	Isophorone	**C5 ppm		
4098-71-9	Isophorone diisocyanate	0.005 ppm	0.015 ppm	
109-59-1	2-Isopropoxyethanol	25 ppm	38 ppm	Skin
108-21-4	Isopropyl acetate	100 ppm	200 ppm	
67-63-0	Isopropyl alcohol	200 ppm	400 ppm	
75-31-0	Isopropylamine	5 ppm	10 ppm	
768-52-5	N-Isopropylaniline	2 ppm	4 ppm	Skin
108-20-3	Isopropyl ether	250 ppm	310 ppm	
4016-14-2	Isopropyl glycidyl ether (IGE)	50 ppm	75 ppm	
1332-58-7	Kaolin (respirable fraction++)	2 mg/m^3	4 mg/m^3	
8008-20-6; 64742-81-0	Kerosene /Jet fuels, as total hydrocarbon vapour	200 mg/m^3	250 mg/m^3	Skin
463-51-4	Ketene	0.5 ppm	1.5 ppm	
7439-92-1	Lead and inorganic compounds, (as Pb)	0.05 mg/m^3	0.15 mg/m^3	T20
3687-31-8	Lead arsenate, (as $Pb_3(AsO_4)_2$)	0.15 mg/m^3	0.45 mg/m^3	
7758-97-6	Lead chromate, (as Pb)	0.05 mg/m^3	0.15 mg/m^3	T20
7758-97-6	Lead chromate, (as Cr)	0.012 mg/m^3	0.036 mg/m^3	T20
1317-65-3; 471-34-1	Limestone (calcium carbonate)	10 mg/m^3	20 mg/m^3	
58-89-9	Lindane	0.5 mg/m^3	1.5 mg/m^3	Skin
7580-67-8	Lithium hydride	0.025 mg/m^3	0.075 mg/m^3	

*mg/m^3 - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
68476-85-7	L.P.G. (liquified petroleum gas)	See Aliphatic hydrocarbon gases [C1-C4]		
1309-48-4	Magnesium oxide (inhalable fraction++)	10 mg/m^3	20 mg/m^3	
121-75-5	Malathion, (inhalable fraction++ and vapour)	1 mg/m^3	3 mg/m^3	Skin
108-31-6	Maleic anhydride	0.1 ppm	0.3 ppm	SEN
7439-96-5	Manganese and inorganic compounds, (as Mn)	0.2 mg/m^3	0.6 mg/m^3	
12079-65-1	Manganese cyclopentadienyl tricarbonyl, (as Mn)	0.1 mg/m^3	0.3 mg/m^3	Skin
7439-97-6	Mercury, (as Hg):			
	Alkyl compounds	0.01 mg/m^3	0.03 mg/m^3	Skin
	Aryl compounds	0.1 mg/m^3	0.3 mg/m^3	Skin
	Inorganic forms, including metallic mercury	0.025 mg/m^3	0.075 mg/m^3	Skin
141-79-7	Mesityl oxide	15 ppm	25 ppm	
79-41-4	Methacrylic acid	20 ppm	30 ppm	
74-82-8	Methane	See Aliphatic hydrocarbon gases [C1-C4]		
16752-77-5	Methomyl	2.5 mg/m^3	5 mg/m^3	
72-43-5	Methoxychlor	10 mg/m^3	20 mg/m^3	
109-86-4	2-Methoxyethanol (Methylcellosolve-EGME)	5 ppm	8 ppm	Skin
110-49-6	2-Methoxyethyl acetate (Methyl cellosolve acetate-EGMEA)	5 ppm	8 ppm	Skin
150-76-5	4-Methoxyphenol	5 mg/m^3	10 mg/m^3	
79-20-9	Methyl acetate	200 ppm	250 ppm	
74-99-7	Methyl acetylene	1000 ppm	1250 ppm	
59355-75-8	Methyl acetylene-propadiene mixture (MAPP)	1000 ppm	1250 ppm	
96-33-3	Methyl acrylate	2 ppm	4 ppm	Skin, SEN
126-98-7	Methylacrylonitrile	1 ppm	2 ppm	Skin
109-87-5	Methylal (dimethoxy methane)	1000 ppm	1250 ppm	
67-56-1	Methyl alcohol (methanol)	200 ppm	250 ppm	Skin
74-89-5	Methylamine	5 ppm	15 ppm	
110-43-0	Methyl n-amyl ketone (2-Heptanone)	50 ppm	60 ppm	
100-61-8	N-Methylaniline	0.5 ppm	1 ppm	Skin
74-83-9	Methyl bromide	1 ppm	3 ppm	Skin

*mg/m^3 - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
1634-04-4	Methyl tert-butyl ether (MTBE)	50 ppm	75 ppm	
591-78-6	Methyl n-butyl ketone	5 ppm	10 ppm	Skin
74-87-3	Methyl chloride	50 ppm	100 ppm	Skin
137-05-3	Methyl 2-cyanoacrylate	0.2 ppm	0.6 ppm	
108-87-2	Methylcyclohexane	400 ppm	500 ppm	
25639-42-3	Methylcyclohexanol	50 ppm	60 ppm	
583-60-8	o-Methylcyclohexanone	50 ppm	75 ppm	Skin
12108-13-3	2-Methylcyclopentadienyl manganese tricarbonyl, (as Mn)	0.2 mg/m^3	0.6 mg/m^3	Skin
8022-00-2	Methyl demeton	0.5 mg/m^3	1.5 mg/m^3	Skin
101-68-8	Methylene bisphenyl isocyanate (MDI)	0.005 ppm	0.015 ppm	
101-14-4	4,4'-Methylene bis (2-chloroaniline) (MBOCA, MOCA)	0.01 ppm	0.03 ppm	Skin, T20
5124-30-1	Methylene bis (4-cyclohexylisocyanate)	0.005 ppm	0.015 ppm	
75-09-2	Methylene choride (dichloromethane)	50 ppm	63 ppm	
101-77-9	4,4'-Methylene dianiline	0.1 ppm	0.3 ppm	Skin, T20
78-93-3	Methyl ethyl ketone (MEK)	200 ppm	300 ppm	
1338-23-4	Methyl ethyl ketone peroxide	**C0.2 ppm		
107-31-3	Methyl formate	100 ppm	150 ppm	
60-34-4	Methyl hydrazine	0.01 ppm	0.03 ppm	Skin, T20
74-88-4	Methyl iodide	2 ppm	4 ppm	Skin, T20
110-12-3	Methyl isoamyl ketone	50 ppm	60 ppm	
108-11-2	Methyl isobutyl carbinol	25 ppm	40 ppm	Skin
108-10-1	Methyl isobutyl ketone	50 ppm	75 ppm	
624-83-9	Methyl isocyanate	0.02 ppm	0.06 ppm	Skin
563-80-4	Methyl isopropyl ketone	200 ppm	250 ppm	
74-93-1	Methyl mercaptan	0.5 ppm	1.5 ppm	
80-62-6	Methyl methacrylate	50 ppm	100 ppm	SEN
298-00-0	Methyl parathion	0.2 mg/m^3	0.6 mg/m^3	Skin
107-87-9	Methyl propyl ketone	200 ppm	250 ppm	
681-84-5	Methyl silicate	1 ppm	2 ppm	
98-83-9	alpha-Methyl styrene	50 ppm	100 ppm	
78-94-4	Methyl vinyl ketone	**C0.2 ppm		Skin, SEN
21087-64-9	Metribuzin	5 mg/m^3	10 mg/m^3	

*mg/m^3 - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
7786-34-7	Mevinphos (inhalable fraction++ and vapour)	0.01mg/m³	0.03 mg/m3	Skin
12001-26-2	Mica (respirable fraction++)	3 mg/m³	6 mg/m³	
7439-98-7	Molybdenum, (as Mo):			
	Soluble compounds, (respirable fraction++)	0.5 mg/m³	1.5 mg/m³	
	Metal and insoluble compounds, (inhalable fraction++)	10 mg/m³	20 mg/m³	
	Metal and insoluble compounds, (respirable fraction++)	3 mg/m³	6 mg/m³	
6923-22-4	Monocrotophos (inhalable fraction++ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
110-91-8	Morpholine	20 ppm	30 ppm	Skin
300-76-5	Naled, (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	Skin, SEN
91-20-3	Naphthalene	10 ppm	15 ppm	Skin
8006-14-2	Natural gas	See Aliphatic hydrocarbon gases: Alkane [C1-C4]		
9006-04-6	Natural rubber latex (as total proteins), (inhalable fraction++)	0.001 mg/m³	0.003 mg/m³	Skin, SEN
7440-02-0	Nickel, (as Ni):			
	Elemental (inhalable fraction++)	1.5 mg/m³	3 mg/m³	T20
	Soluble inorganic compounds, (not otherwise specified) (inhalable fraction++)	0.1 mg/m³	0.3 mg/m³	
	Insoluble inorganic, (as not otherwise specified) (inhalable fraction++)	0.2 mg/m³	0.6 mg/m³	
12035-72-2	Nickel subsulphide, (as Ni), (inhalable fraction++)	0.1 mg/m³	0.3 mg/m³	T20
13463-39-3	Nickel carbonyl, (as Ni)	0.05 ppm	0.15 ppm	
54-11-5	Nicotine	0.5 mg/m³	1.5 mg/m³	Skin
1929-82-4	Nitrapyrin	10 mg/m³	20 mg/m³	
7697-37-2	Nitric acid	2 ppm	4 ppm	
10102-43-9	Nitric oxide	25 ppm	38 ppm	
100-01-6	p-Nitroaniline	3 mg/m³	6 mg/m³	Skin
98-95-3	Nitrobenzene	1 ppm	2 ppm	Skin
100-00-5	p-Nitrochlorobenzene	0.1 ppm	0.3 ppm	Skin

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
79-24-3	Nitroethane	100 ppm	125 ppm	
10102-44-0	Nitrogen dioxide	3 ppm	5 ppm	
7783-54-2	Nitrogen trifluoride	10 ppm	20 ppm	
55-63-0	Nitroglycerin (NG)	0.05 ppm	0.15 ppm	Skin
75-52-5	Nitromethane	20 ppm	30 ppm	
108-03-2	1-Nitropropane	25 ppm	40 ppm	
79-46-9	2-Nitropropane	10 ppm	20 ppm	T20
88-72-2; 99-08-1; 99-99-0	Nitrotoluene isomers	2 ppm	3 ppm	Skin
10024-97-2	Nitrous oxide	50 ppm	75 ppm	
111-84-2	Nonane, all isomers	200 ppm	250 ppm	
2234-13-1	Octachloronaphthalene	0.1 mg/m^3	0.3 mg/m^3	Skin
111-65-9	Octane, all isomers	300 ppm	375 ppm	
8012-95-1	Oil mist, mineral	5 mg/m^3	10 mg/m^3	
20816-12-0	Osmium tetroxide, (as Os)	0.0002 ppm	0.0006 ppm	
144-62-7	Oxalic acid	1 mg/m^3	2 mg/m^3	
80-51-3	p,p'-Oxybis(benzenesulphonyl hydrazide), (inhalable fraction++)	0.1 mg/m^3	0.3 mg/m^3	
7783-41-7	Oxygen difluoride	**C0.05 ppm		
10028-15-6	Ozone	0.05 ppm	0.15 ppm	
8002-74-2	Paraffin wax fume	2 mg/m^3	4 mg/m^3	
4685-14-7	Paraquat, total dust	0.5 mg/m^3	1.5 mg/m^3	
	Paraquat, (respirable fraction++)	0.1 mg/m^3	0.3 mg/m^3	
56-38-2	Parathion, (inhalable fraction++ and vapour)	0.05 mg/m^3	0.15 mg/m^3	Skin
_____	Particulate polycyclic aromatic hydrocarbons (PPAH), as benzene solubles, See Coal tar pitch volatiles	0.2 mg/m^3	0.6 mg/m^3	T20
_____	Particles (Insoluble or Poorly Soluble) Not Otherwise Specified:			
	Inhalable fraction++	10 mg/m^3	20 mg/m^3	
	Respirable fraction++	3 mg/m^3	6 mg/m^3	
19624-22-7	Pentaborane	0.005 ppm	0.015 ppm	
1321-64-8	Pentachloronaphthalene	0.5 mg/m^3	1.5 mg/m^3	Skin
82-68-8	Pentachloronitrobenzene	0.5 mg/m^3	1.5 mg/m^3	

*mg/m^3 - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
87-86-5	Pentachlorophenol	0.5 mg/m³	1.5 mg/m³	Skin
115-77-5	Pentaerythritol	10 mg/m³	20 mg/m³	
78-78-4; 109-66-0; 463-82-1	Pentane, all isomers	600 ppm	750 ppm	
628-63-7; 626-38-0; 123-92-2; 625-16-1; 624-41-9; 620-11-1	Pentyl acetate, all isomers	50 ppm	100 ppm	
594-42-3	Perchloromethyl mercaptan	0.1 ppm	0.3 ppm	
7616-94-6	Perchloryl fluoride	3 ppm	6 ppm	
19430-93-4	Perfluorobutyl ethylene	100 ppm	150 ppm	
382-21-8	Perfluoroisobutylene	**C0.01 ppm		
93763-70-3	Perlite	10 mg/m³	20 mg/m³	
	Persulphates, as persulphate	0.1 mg/m³	0.3 mg/m³	
108-95-2	Phenol	5 ppm	7.5 ppm	Skin
92-84-2	Phenothiazine	5 mg/m³	10 mg/m³	Skin
95-54-5; 108-45-2; 106-50-3	Phenylene diamine isomers	0.1 mg/m³	0.3 mg/m³	
101-84-8	Phenyl ether (vapour)	1 ppm	2 ppm	
122-60-1	Phenyl glycidyl ether (PGE)	0.1 ppm	0.3 ppm	Skin, SEN, T20
100-63-0	Phenyl hydrazine	0.1 ppm	0.3 ppm	Skin, T20
108-98-5	Phenyl mercaptan	0.1 ppm	0.3 ppm	Skin
638-21-1	Phenylphosphine	**C0.05 ppm		
298-02-2	Phorate (inhalable fraction++ and vapour)	0.05 mg/m³	0.2 mg/m³	Skin
75-44-5	Phosgene (Carbonyl chloride)	0.1 ppm	0.3 ppm	
7803-51-2	Phosphine	0.3 ppm	1 ppm	
7664-38-2	Phosphoric acid	1 mg/m³	3 mg/m³	
12185-10-3	Phosphorus (yellow)	0.1 mg/m³	0.3 mg/m³	
10025-87-3	Phosphorous oxychloride	0.1 ppm	0.3 ppm	
10026-13-8	Phosphorous pentachloride	0.1 ppm	0.3 ppm	
1314-80-3	Phosphorous pentasulphide	1 mg/m³	3 mg/m³	
7719-12-2	Phosphorous trichloride	0.2 ppm	0.5 ppm	
85-44-9	Phthalic anhydride	1 ppm	2 ppm	SEN
626-17-5	m-Phthalodinitrile	5 mg/m³	10 mg/m³	
1918-02-1	Picloram	10 mg/m³	20 mg/m³	
88-89-1	Picric acid	0.1 mg/m³	0.3 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
83-26-1	Pindone	0.1 mg/m³	0.3 mg/m³	
142-64-3	Piperazine dihydrochloride	5 mg/m³	10 mg/m³	
7778-18-9	Plaster of Paris (Calcium sulphate)	10 mg/m³	20 mg/m³	
7440-06-4	Platinum:			
	metal	1 mg/m³	3 mg/m³	
	soluble salt, (as Pt)	0.002 mg/m³	0.006 mg/m³	
65997-15-1	Portland cement	10 mg/m³	20 mg/m³	
1310-58-3	Potassium hydroxide	**C2 mg/m³		
74-98-6	Propane	See Aliphatichydrocarbon gases [C1-C4]		
107-19-7	Propargyl alcohol	1 ppm	3 ppm	Skin
57-57-8	beta-Propriolactone	0.5 ppm	1 ppm	T20
123-38-6	Propionaldehyde	20 ppm	30 ppm	
79-09-4	Propionic acid	10 ppm	15 ppm	
114-26-1	Propoxur	0.5 mg/m³	1.5 mg/m³	
109-60-4	n-Propyl acetate	200 ppm	250 ppm	
71-23-8	Propyl alcohol (n-propanol)	200 ppm	400 ppm	
78-87-5	Propylene dichloride	75 ppm	110 ppm	
6423-43-4	Propylene glycol dinitrate	0.05 ppm	0.15 ppm	Skin
107-98-2	Propylene glycol monomethyl ether (PGME or 1-methoxy-2-propanol)	100 ppm	150 ppm	
75-56-9	Propylene oxide	2 ppm	4 ppm	SEN, T20
75-55-8	Propylenimine	2 ppm	4 ppm	Skin, T20
627-13-4	n-Propyl nitrate	25 ppm	40 ppm	
8003-34-7	Pyrethrum	5 mg/m³	10 mg/m³	
110-86-1	Pyridine	1 ppm	3 ppm	
106-51-4	Quinone	0.1 ppm	0.3 ppm	
108-46-3	Resorcinol	10 ppm	20 ppm	
7440-16-6	Rhodium, (as Rh):			
	Metal and insoluble compounds	1 mg/m³	3 mg/m³	
	Soluble compounds	0.01 mg/m³	0.03 mg/m³	
299-84-3	Ronnel	10 mg/m³	20 mg/m³	
83-79-4	Rotenone (commercial)	5 mg/m³	10 mg/m³	
_____	Rouge	10 mg/m³	20 mg/m³	
8030-30-6	Rubber solvent (Naphtha)	400 ppm	500 ppm	
7782-49-2	Selenium and compounds, (as Se)	0.2 mg/m³	0.6 mg/m³	
7783-79-1	Selenium hexafluoride, (as Se)	0.05 ppm	0.15 ppm	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
136-78-7	Sesone	10 mg/m³	20 mg/m³	
	Silica Amorphous:			
61790-53-2	Diatomaceous earth (uncalcined) (inhalable fraction ++)	10 mg/m³	20 mg/m³	
61790-53-2	Diatomaceous earth (uncalcined) (respirable fraction ++)	3 mg/m³	6 mg/m³	
112926-00-8	Precipitated silica and silica gel	10 mg/m³	20 mg/m³	
69012-46-2	Silica, fume (respirable fraction++)	2 mg/m³		
60676-86-0	Silica, fused (respirable fraction++)	0.1 mg/m³		
	Silica – Crystalline#:			
14464-46-1	Cristobalite (respirable fraction++)	0.05 mg/m³		
14808-60-7	Quartz (respirable fraction++)	0.05 mg/m³		T20
1317-95-9	Tripoli, as quartz (respirable fraction++)	0.1 mg/m³		
7440-21-3	Silicon	10 mg/m³	20 mg/m³	
409-21-2	Silicon Carbide			
	Nonfibrous, (inhalable fraction++)	10 mg/m³	20 mg/m³	
	Nonfibrous, (respirable fraction++)	3 mg/m³	6 mg/m³	
	Fibrous (including whiskers),(respirable fibres)	0.1 f/cc##		T20
7803-62-5	Silicon tetrahydride (Silane)	5 ppm	10 ppm	
7440-22-4	Silver, metal	0.1 mg/m³	0.3 mg/m³	
_____	Silver soluble compounds, (as Ag)	0.01 mg/m³	0.03 mg/m³	
_____	Soapstone (total dust)	6 mg/m³		
_____	Soapstone (respirable fraction++)	3 mg/m³	6 mg/m³	
26628-22-8	Sodium azide:			
	as Sodium azide	**C0.29 mg/m³		
	as Hydrazoic acid vapour	**C0.11 ppm		
7631-90-5	Sodium bisulphite	5 mg/m³	10 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
62-74-8	Sodium fluoroacetate	0.05 mg/m³	0.15 mg/m³	Skin
1310-73-2	Sodium hydroxide	**C2 mg/m³		
7681-57-4	Sodium metabisulphite	5 mg/m³	10 mg/m³	
9005-25-8	Starch	10 mg/m³	20 mg/m³	
_____	Stearates	10 mg/m³	20 mg/m³	
7803-52-3	Stibine (Antimony hydride)	0.1 ppm	0.3 ppm	
8052-41-3	Stoddard solvent	100 ppm	125 ppm	
7789-06-2	Strontium chromate, (as Cr)	0.0005 mg/m³	0.0015 mg/m³	T20
57-24-9	Strychnine	0.15 mg/m³	0.45 mg/m³	
100-42-5	Styrene, monomer	20 ppm	40 ppm	T20
1395-21-7; 9014-01-1	Subtilisins, (as crystalline active enzyme)	**C0.00006 mg/m³		
57-50-1	Sucrose	10 mg/m³	20 mg/m³	
74222-97-2	Sulphometuron methyl	5 mg/m³	10 mg/m³	
3689-24-5	Sulphotep (TEDP) (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	Skin
7446-09-5	Sulphur dioxide	2 ppm	5 ppm	
2551-62-4	Sulphur hexafluoride	1000 ppm	1250 ppm	
7664-93-9	Sulphuric acid, (thoracic fraction++)	0.2 mg/m³	0.6 mg/m³	T20, strong acid mist only
10025-67-9	Sulphur monochloride	**C1 ppm		
5714-22-7	Sulphur pentafluoride	**C0.01 ppm		
7783-60-0	Sulphur tetrafluoride	**C0.1 ppm		
2699-79-8	Sulphuryl fluoride	5 ppm	10 ppm	
35400-43-2	Sulprofos	1 mg/m³	3 mg/m³	
	Synthetic Vitreous Fibres:			
	Continous filament glass fibres, (respirable fibres)	1 f/cc##	3 f/cc	
	Continous filament glass fibres, (inhalable fraction++)	5 mg/m³	10 mg/m³	
	Glass wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Rock wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Slag wool fibres, (respirable fibres)	1 f/cc	3 f/cc	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
	Special purpose glass fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Refractory ceramic fibres, (respirable fibres)	0.2 f/cc		T20
93-76-5	2,4,5-T	10 mg/m^3	20 mg/m^3	
14807-96-6	Talc, (respirable fraction++)	2 mg/m^3		
7440-25-7	Tantalum metal and oxide, (as Ta)	5 mg/m^3	10 mg/m^3	
7783-80-4	Tellurium hexafluoride, (as Te)	0.02 ppm	0.03 ppm	
13494-80-9	Tellurium and other tellurium compounds, (as Te) excluding hydrogen telluride	0.1 mg/m^3	0.3 mg/m^3	
3383-96-8	Temephos, (inhalable fraction++ and vapour)	1 mg/m^3	3 mg/m^3	Skin
13071-79-9	Terbufos, (inhalable fraction++ and vapour)	0.01 mg/m^3	0.03 mg/m^3	Skin
100-21-0	Terephthalic acid	10 mg/m^3	20 mg/m^3	
26140-60-3	Terphenyls	**C5 mg/m^3		
76-11-9	1,1,1,2-Tetrachloro-2, 2-difluoroethane	500 ppm	625 ppm	
76-12-0	1,1,2,2-Tetrachloro-1, 2-difluoroethane	500 ppm	625 ppm	
79-34-5	1,1,2,2-Tetrachloroethane	1 ppm	2 ppm	Skin
127-18-4	Tetrachloroethylene (Perchloroethylene)	25 ppm	100 ppm	T20
1335-88-2	Tetrachloronaphthalene	2 mg/m^3	4 mg/m^3	
78-00-2	Tetraethyl lead, (as Pb)	0.1 mg/m^3	0.3 mg/m^3	Skin
107-49-3	Tetraethyl pyrophosphate (TEPP)	0.05 mg/m^3	0.15 mg/m^3	Skin
116-14-3	Tetrafluoroethylene	2 ppm	4 ppm	T20
109-99-9	Tetrahydrofuran	50 ppm	100 ppm	Skin
124-64-1	Tetrakis (hydroxymethyl) phosphonium salts:			
	Tetrakis (hydroxymethyl) phosphonium chloride	2 mg/m^3	4 mg/m^3	
55566-30-8	Tetrakis (hydroxymethyl) phosphonium sulphate	2 mg/m^3	4 mg/m^3	SEN
75-74-1	Tetramethyl lead, (as Pb)	0.15 mg/m^3	0.45 mg/m^3	Skin
3333-52-6	Tetramethyl succinonitrile	0.5 ppm	1 ppm	Skin
509-14-8	Tetranitromethane	0.005 ppm	0.015 ppm	T20
7722-88-5	Tetrasodium pyrophosphate	5 mg/m^3	10 mg/m^3	

*mg/m^3 - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
479-45-8	Tetryl (2,4,6-trinitrophenyl-methyl nitramine)	1.5 mg/m³	3 mg/m³	
7440-28-0	Thallium and soluble compounds, (as Tl)	0.1 mg/m³	0.3 mg/m³	Skin
96-69-5	4,4'-Thiobis (6-tert-butyl-m-cresol)	10 mg/m³	20 mg/m³	
68-11-1	Thioglycolic acid	1 ppm	2 ppm	Skin
7719-09-7	Thionyl chloride	**C1 ppm		
137-26-8	Thiram	1 mg/m³	3 mg/m³	
7440-31-5	Tin, (as Sn):			
	metal	2 mg/m³	4 mg/m³	
	oxide and inorganic compounds except SnH_4	2 mg/m³	4 mg/m³	
	organic compounds	0.1 mg/m³	0.2 mg/m³	Skin
13463-67-7	Titanium dioxide	10 mg/m³	20 mg/m³	
108-88-3	Toluene (toluol)	50 ppm	60 ppm	Skin
584-84-9; 91-08-7	Toluene-2,4- or 2,6-diisocyanate (TDI)	0.005 ppm	0.02 ppm	SEN
95-53-4	o-Toluidine	2 ppm	4 ppm	Skin, T20
108-44-1	m-Toluidine	2 ppm	4 ppm	Skin
106-49-0	p-Toluidine	2 ppm	4 ppm	Skin, T20
126-73-8	Tributyl phosphate	0.2 ppm	0.4 ppm	
76-03-9	Trichloroacetic acid	1 ppm	2 ppm	
120-82-1	1,2,4-Trichlorobenzene	**C5 ppm		
71-55-6	1,1,1-Trichloroethane	350 ppm	450 ppm	
79-00-5	1,1,2-Trichloroethane	10 ppm	15 ppm	Skin
79-01-6	Trichloroethylene	50 ppm	100 ppm	
75-69-4	Trichlorofluoromethane	**C1000 ppm		
1321-65-9	Trichloronaphthalene	5 mg/m³	10 mg/m³	Skin
96-18-4	1,2,3-Trichloropropane	10 ppm	15 ppm	Skin
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	1000 ppm	1250 ppm	
52-68-6	Trichlorphon, (inhalable fraction++)	1 mg/m³	3 mg/m³	
102-71-6	Triethanolamine	5 mg/m³	10 mg/m³	
121-44-8	Triethylamine	1 ppm	3 ppm	Skin
75-63-8	Trifluorobromomethane	1000 ppm	1200 ppm	
2451-62-9	1,3,5-Triglycidyl-s-triazinetrione	0.05 mg/m³	0.15 mg/m³	
552-30-7	Trimellitic anhydride	**C0.04 mg/m³		
75-50-3	Trimethylamine	5 ppm	15 ppm	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
25551-13-7	Trimethyl benzene (mixed isomer)	25 ppm	30 ppm	
121-45-9	Trimethyl phosphite	2 ppm	4 ppm	
118-96-7	2,4,6-Trinitrotoluene (TNT)	0.1 mg/m^3	0.3 mg/m^3	Skin
78-30-8	Triorthocresyl phosphate	0.1 mg/m^3	0.3 mg/m^3	Skin
603-34-9	Triphenylamine	5 mg/m^3	10 mg/m^3	
115-86-6	Triphenyl phosphate	3 mg/m^3	6 mg/m^3	
7440-33-7	Tungsten, (as W):			
	metal and insoluble compounds	5 mg/m^3	10 mg/m^3	
	soluble compounds	1 mg/m^3	3 mg/m^3	
8006-64-2; 80-56-8; 127-91-3; 13466-78-9	Turpentine and selected monoterpenes	20 ppm	30 ppm	SEN
7440-61-1	Uranium (natural)			
	Soluble and insoluble compounds, (as U)	0.2 mg/m^3	0.6 mg/m^3	T20
110-62-3	n-Valeraldehyde	50 ppm	60 ppm	
1314-62-1	Vanadium pentoxide, as V_2O_5, dust and fume (respirable fraction++)	0.05 mg/m^3	0.15 mg/m^3	
_____	Vegetable oil mists	10 mg/m^3	20 mg/m^3	
108-05-4	Vinyl acetate	10 ppm	15 ppm	
593-60-2	Vinyl bromide	0.5 ppm	1.5 ppm	T20
100-40-3	4-Vinyl cyclohexene	0.1 ppm	0.3 ppm	T20
106-87-6	Vinyl cyclohexene dioxide	0.1 ppm	0.3 ppm	Skin, T20
75-02-5	Vinyl fluoride	1 ppm	3 ppm	T20
88-12-0	N-Vinyl-2-pyrrolidone	0.05 ppm	0.15 ppm	
75-35-4	Vinylidene chloride	5 ppm	10 ppm	
75-38-7	Vinyledene fluoride	500 ppm	625 ppm	
25013-15-4	Vinyl toluene	50 ppm	100 ppm	
8032-32-4	VM and P Naphtha	300 ppm	375 ppm	
81-81-2	Warfarin	0.1 mg/m^3	0.3 mg/m^3	
_____	Welding fumes	5 mg/m^3	10 mg/m^3	
	Wood dust:			

*mg/m^3 - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
_____	Softwoods	5 mg/m³	10 mg/m³	T20 (certain species), SEN* (certain species, see list at end of table)
_____	Certain hardwoods such as beech and oak	1 mg/m³	3 mg/m³	T20 (certain species), SEN* (certain species, see list at end of table)
1330-20-7; 95-47-6; 108-38-3; 106-42-3	Xylene (o, m-, p-isomers)	100 ppm	150 ppm	
1477-55-0	m-Xylene *alpha, alpha'*-diamine	**C0.1 mg/m³		Skin
1300-73-8	Xylidine, mixed isomers (inhalable fraction++ and vapour)	0.5 ppm	1 ppm	T20, Skin
7440-65-5	Yttrium metal and compounds, (as Y)	1 mg/m³	3 mg/m³	
7646-85-7	Zinc chloride fume	1 mg/m³	2 mg/m³	
13530-65-9; 11103-86-9; 37300-23-5	Zinc chromates, as Cr	0.01 mg/m³	0.03 mg/m³	T20
1314-13-2	Zinc oxide, fume and dust (respirable fraction++)	2 mg/m³	10 mg/m³	
7440-67-7	Zirconium and compounds, (as Zr)	5 mg/m³	10 mg/m³	

*mg/m³ - milligrams of substance per cubic metre of air; ppm - parts (volume) of substance per million parts (volume) of air
**C - ceiling limit
#, ##, +, ++ See Notes at end of Table

Notes:

- Trydimite removed

- Fibres per cubic centimeter of air

+ - Explanation of Notations:

T20 – Substance is also In Table 20 and subject to Sections 306 and 311

Skin – Potentially harmful after absorption through the skin or mucous membranes

SEN – Well-demonstrated potential to produce sensitization

SEN* – Wood species suspected of inducing sensitization (see Table D)

10 Aug 2007 SR 67/2007 s33.

Table A

Inhalable fraction:

For the application of this limit, inhalable fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (μm)	Inhalable Particulate Mass (IPM) (%)
	100
1	97
2	94
5	87
10	77
20	65
30	58
40	54.5
50	52.5
100	50

Table B

Respirable fraction:

For the application of this limit, respirable fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (μm)	Respirable Particulate Mass (RPM) (%)
0	100
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Table C

Thoracic fraction:

For the application of this limit, thoracic fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (m) Particulate Mass

Particle Aerodynamic Diameter (µm)	Thoracic Particulate Mass (TPM) (%)
0	100
2	94
4	89
6	80.5
8	67
10	50
12	35
14	23
16	15
18	9.5
20	6
25	2

Table D

Commercially Important Tree Species Suspected of Inducing Sensitization

Common	***Latin***
SOFTWOODS	
California redwood	***Sequoia sempervirens***
Eastern white cedar	***Thuja occidentalis***
Pine	***Pinus***
Western red cedar	***Thuja plicata***
HARDWOOD	
Ash	***Fraxinus americana***
Aspen/Poplar/Cottonwood	***Popilus***
Beech	***Fagus***
Oak	***Quercus***
TROPICAL WOODS	
Abirucana	***Pouteria***
African zebra	***Microberlinia***
Antiaris	***Antiaris africana Antiaris toxicara***
Cabreuva	***Myrocarpus fastigiatus***
Cedar of Lebanon	***Cedra libani***
Central American walnut	***Juglans olanchana***
Cocabolla	***Dalbergia retusa***
African ebony	***Diospryos crassiflora***
Fernam bouc	***Caesalpinia***
Honduras rosewood	***Dalbergia stevensonii***
Iroko or kambala	***Chlorophora excelsa***
Kejaat	***Pterocarpus angolensis***
Kotobe	***Nesorgordonia papaverifera***
Limba	***Terminalia superba***
Mahogany (African)	***Khaya spp.***
Makore	***Tieghemella heckelii***
Mansonia/Beté	***Mansonia altissima***
Nara	***Pterocarpus indicus***
Obeche/African maple/Samba	***Triplochiton scleroxylon***
Palisander/Brazilian rosewood/ Tulip wood/Jakaranda	***Dalbergia nigra***
Pau marfim	***Balfourdendron riedelianum***
Ramin	***Gonystylus bancanus***
Soapbark dust	***Quillaja saponaria***
Spindle tree wood	***Euonymus europaeus***
Tanganyike aningre	

10 Aug 2007 SR 67/2007 s33.

TABLE 22
[*Section 465*]

Minimum Distances from Exposed Energized High Voltage Electrical Conductors

Risk Factor		Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Voltage Phase to Phase	Voltage to Ground	Non-electrical Workers, Material, Equipment	Qualified Electrical Workers	Vehicles and Load	Limit of approach for utility tree trimmers using conducting objects exposed to energized parts	Limit of approach for utility tree trimmers using rated tools to exposed energized parts	Limit of approach for utility tree trimmers using rated insulatingbooms
kV	kV	Metres	Metres	Metres	Metres	Metres	Metres
230	133	6.1	1.4	1.83	2.4	1.41	1.85
138	79.8	4.6	1	1.22	1.9	0.92	1.35
72	41.6	4.6	0.6	0.8	1.6	0.61	1.05
25	14.4	3	0.3	0.6	1.2	0.12	0.55
15	8.6	3	0.3	0.6	1.1	0.12	0.55
4.16	2.4	3	0.15	0.6	1.05	0.04	0.50
0.75	0.75	3	0.15	0.6	1.05	0.04	0.05

10 Aug 2007 SR 67/2007 s33.

Regina, Saskatchewan
Printed by the authority of
The Queen's Printer
Copyright©2016

The Occupational Health and Safety (Prime Contractor) Regulations

being

Chapter S-15.1 Reg 2 (effective January 1, 2015).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1 Title

2 Interpretation

3 Prime contractor required

4 Duties of owners, employers and self-employed persons in relation to prime contractors

5 Prescribed activities of prime contractor

6 Coming into force

CHAPTER S-15.1 REG 2

The Saskatchewan Employment Act

Title

1 These regulations may be cited as *The Occupational Health and Safety (Prime Contractor) Regulations.*

Interpretation

2 In these regulations:

(a) **"Act"** means *The Saskatchewan Employment Act*;

(b) **"construction industry"** does not include activities or operations undertaken by a person in connection with constructing or renovating if the worksite comprises dwellings that are less than four units;

(c) **"forestry industry"** includes activities or operations of a mill operation as defined in section 389 of *The Occupational Health and Safety Regulations, 1996*;

(d) **"oil and gas industry"** means the drilling, operation and servicing of a gas well or oil well as regulated by Part XXIX of *The Occupational Health and Safety Regulations, 1996*;

(e) **"required worksite"** means a worksite that is required by section 3-13 of the Act and these regulations to have a prime contractor.

2 May 2014 cS-15.1 Reg 2 s2.

Prime contractor required

3(1) A worksite is a required worksite if 10 or more self-employed persons or workers under the direction of two or more employers are engaged at the worksite in one or more of the following industries:

(a) the construction industry;

(b) the forestry industry;

(c) the oil and gas industry.

(2) If a worksite is a required worksite, the prime contractor is:

(a) the contractor, employer or other person who enters into a written agreement with the owner of the worksite to be the prime contractor; or

(b) if no agreement mentioned in clause (a) has been made or is in force, the owner of the worksite.

2 May 2014 cS-15.1 Reg 2 s3.

Duties of owners, employers and self-employed persons in relation to prime contractors

4(1) An owner at a required worksite shall:

(a) designate the owner or another person as the prime contractor for the required worksite; and

(b) if the owner is not the prime contractor, provide, in writing, the prime contractor with the following information as soon as possible after designating the prime contractor:

(i) the policies, procedures and safe work practices mentioned in clause 5(c) of each employer or self-employed person;

(ii) any required information, as defined in subsection 3-16(1) of the Act, that is known or reasonably expected to be known by the employer or self-employed person; and

(iii) any other information reasonably required by the prime contractor to coordinate the activities at the worksite that may affect the health and safety of workers and self-employed persons engaged at the worksite.

(2) If the information mentioned in subclause (1)(b)(ii) changes, the employer or self-employed person who provided the information shall provide the prime contractor with notice of any change as soon as is reasonably practicable after the change.

(3) An owner, employer and self-employed person at a required worksite shall comply with any reasonable direction issued by the prime contractor or the person identified pursuant to clause 5(d) for the purpose of performing his or her duties pursuant to Part III of the Act and these regulations.

(4) Every employer at a required worksite shall:

(a) designate a competent person as the designated supervisor for the employer's workers at the required worksite; and

(b) give the prime contractor the name of the person designated as the designated supervisor pursuant to clause (a).

(5) Every designated supervisor shall perform the duties imposed on supervisors by Part III of the Act and these regulations and shall carry out any other duties required to be performed pursuant to any another Act or regulation.

(6) Nothing in this section is to be interpreted as limiting or replacing the duties or requirements imposed by Part III of the Act and these regulations on an employer or any other person.

2 May 2014 cS-15.1 Reg 2 s4.

Prescribed activities of prime contractor

5 For the purposes of section 3-13 of the Act, the prime contractor shall:

(a) ensure that the names of and the method of contacting the prime contractor and the individual identified pursuant to clause (d) are posted at a conspicuous location at the required worksite;

(b) ensure that all activities at the required worksite that may affect the health and safety of workers or self-employed persons are coordinated;

(c) ensure, insofar as is reasonably practicable, that all employers and self-employed persons have adequate and appropriate policies, procedures, safe work practices, equipment, competent workers and information to ensure that:

(i) the employers and the self-employed persons comply with Part III of the Act and these regulations;

(ii) the activities of the employers, the workers or the self-employed persons do not jeopardize the health and safety of a worker or self-employed person at the required worksite; and

(iii) the employers, the workers and the self-employed persons comply with any health and safety related policies and procedures implemented by the prime contractor;

(d) identify a competent person to oversee and direct, on behalf of the prime contractor, the activities of employers, workers and self-employed persons at the required worksite;

(e) prepare a written plan that:

(i) addresses how the requirements imposed by clauses (b) and (c) are being met;

(ii) sets out the name and the method of contacting the individual identified pursuant to clause (d);

(iii) identifies the supervisors for the required worksite designated by employers pursuant to clause 4(4)(a); and

(iv) addresses other matters that the minister may require to be addressed;

(f) deliver a copy of the written plan mentioned in clause (e) to all employers and self-employed persons before they commence working at the required worksite;

(g) cooperate with any other person performing a duty imposed by Part III of the Act or these regulations;

(h) identify and inform employers, workers and self-employed persons about the hazards in or at the required worksite for which the prime contractor is responsible;

(i) ensure, insofar as is reasonably practicable, that the employers or self-employed persons at the required worksite eliminate:

(i) hazards identified by the prime contractor before activities or operations begin at the required worksite; and

(ii) while activities or operations continue at the required worksite, hazards identified by the prime contractor after activities or operations have commenced;

(j) ensure, insofar as is reasonably practicable, that the employers or self-employed persons at the required worksite reduce or control hazards that it is not reasonably practicable to eliminate; and

(k) comply with Part III of the Act and these regulations.

2 May 2014 cS-15.1 Reg 2 s5.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on January 1, 2015.

(2) If these regulations are filed with the Registrar of Regulations after January 1, 2015, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

2 May 2014 cS-15.1 Reg 2 s6.

REGINA, SASKATCHEWAN
Printed by the authority of
THE QUEEN'S PRINTER
Copyright©2014

The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations

being

Chapter S-15.1 Reg 6 (effective August 17, 2016).

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1 Title

2 Interpretation

3 Certain products exempted

4 Restriction on use of hazardous products

5 Worker education and training

6 Supplier label

7 Workplace label for employer-produced products

8 Workplace label for decanted products

9 Identification of hazardous products in piping systems and vessels

10 Placard identifiers

11 Laboratory and sample labels

12 Supplier safety data sheets

13 Employer safety data sheets

14 Availability of safety data sheets

15 Omissions from safety data sheet

16 Disclosure re claim for exemption, exemption granted

17 R.R.S. c.O-1.1 Reg 1, Part XXII repealed

18 Transition – labelling requirements and safety data sheets

19 Coming into force

CHAPTER S-15.1 REG 6
The Saskatchewan Employment Act

Title

1 These regulations may be cited as *The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations*.

Interpretation

2(1) In these regulations:

"Act" means *The Saskatchewan Employment Act*;

"bulk shipment" means a shipment of a hazardous product that is contained in any of the following, without intermediate containment or intermediate packaging:

(a) a vessel with a water capacity equal to or greater than 450 litres;

(b) a freight container, road vehicle, railway vehicle, or portable tank;

(c) the hold of a ship; or

(d) a pipeline;

"container" includes a bag, barrel, bottle, box, can, cylinder, drum or similar package or receptacle, but does not include a storage tank;

"education" means the delivery of general information to workers;

"employer safety data sheet" means a safety data sheet prepared by an employer that contains the information required by Part 4 of the *Hazardous Products Regulations*;

"fugitive emission" means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from:

(a) process equipment;

(b) emission control equipment; or

(c) a product that workers may be exposed to;

"hazard class" means a hazard class mentioned in Schedule 2 of the *Hazardous Products Act*;

"hazard information" means information on the proper and safe use, storage, handling and disposal of a hazardous product, and includes information relating to the product's health and physical hazards;

"hazard statement" means a phrase assigned to a category or subcategory of a hazard class or, in the case of column 5 of Parts 4 to 6 of Schedule 5 of the *Hazardous Products Regulations*, the required statement that describes the nature of the hazard presented by a hazardous product;

"*Hazardous Materials Information Review Act*" means the *Hazardous Materials Information Review Act* (Canada);

"*Hazardous Materials Information Review Regulations*" means the *Hazardous Materials Information Review Regulations* (Canada), SOR/88-456;

"*Hazardous Products Act*" means the *Hazardous Products Act* (Canada);

"*Hazardous Products Regulations*" means the *Hazardous Products Regulations* (Canada), SOR/2015-17;

"hazardous waste" means a hazardous product that is:

(a) intended for disposal; or

(b) acquired or generated for recycling or recovery;

"health professionals" means:

(a) physicians who are licensed to practise medicine pursuant to the laws of Saskatchewan and who are practising medicine pursuant to the laws of Saskatchewan; and

(b) nurses who are registered or licensed pursuant to the laws of Saskatchewan;

"initial supplier identifier" means, with respect to a hazardous product, the name, address and telephone number of:

(a) the manufacturer; or

(b) the importer of the hazardous product who operates in Canada;

"laboratory sample" means a sample of a hazardous product that is packaged in a container that contains less than 10 kilograms of the hazardous product and that is intended solely to be tested in a laboratory, but does not include a sample that is to be used:

(a) by the laboratory for testing other products, mixtures, materials or substances; or

(b) for educational or demonstration purposes;

"manufactured article" means any article that is formed to a specific shape or design during manufacturing, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that under normal conditions of use, will not release or otherwise cause a person to be exposed to a hazardous product;

"process equipment" means the equipment used in the process of creating a hazardous product;

"product identifier" means, with respect to a hazardous product, the brand name, chemical name, common name, generic name or trade name;

"readily available" means present in an appropriate place, accessible to a worker at all times, and in the form of:

(a) a physical copy; or

(b) an electronic copy;

"research and development" means a scientific analysis or experiment to find information that is other than or in addition to that supplied in a Disclosure of Source of Toxicological Data;

"signal word" means, with respect to a hazardous product, the word 'danger' or 'warning' that is used to alert the reader to a potential hazard and to indicate its severity;

"significant new data" means new data regarding the hazard presented by a hazardous product that:

(a) changes the product's classification in a category or subcategory of a hazard class;

(b) changes the product's hazard class; or

(c) changes the ways to protect against the hazard presented by the hazardous product;

"supplier" means a supplier as defined in the *Hazardous Products Act*;

"supplier label" means a label provided by a supplier that contains the information elements required by Part 3 of the *Hazardous Products Regulations*;

"supplier safety data sheet" means a safety data sheet provided by a supplier that contains the information required by Part 4 of the *Hazardous Products Regulations*;

"training" means the delivery of worksite and job-specific information to workers;

"workplace label" means a legible label that discloses:

(a) a product identifier that is identical to that found on the safety data sheet of the corresponding hazardous product;

(b) all necessary information for the safe handling of the hazardous product, including signal words and hazard statements; and

(c) whether a safety data sheet is readily available.

(2) Except as otherwise provided in these regulations, the terms used in *The Occupational Health and Safety Regulations, 1996* have the same meaning in these regulations.

17 Jne 2016 cS-15.1 Reg 6 s2.

Certain products exempted

3(1) Subject to subsections (2) to (6), these regulations apply to employers and workers with respect to hazardous products used, stored and handled at a workplace.

(2) A supplier label and a supplier safety data sheet are not required for the following hazardous products:

(a) an explosive as defined in section 2 of the *Explosives Act* (Canada);

(b) a cosmetic, device, drug or food, as defined in section 2 of the *Food and Drugs Act* (Canada);

(c) a pest control product as defined in subsection 2(1) of the *Pest Control Products Act* (Canada);

(d) a nuclear substance as defined in section 2 of the *Nuclear Safety and Control Act* (Canada) that is radioactive;

(e) a consumer product as defined in section 2 of the *Canada Consumer Product Safety Act*.

(3) These regulations do not apply to a hazardous product that is:

(a) wood or a product made of wood;

(b) tobacco or a product made of tobacco;

(c) a manufactured article; or

(d) being transported or handled pursuant to *The Dangerous Goods Transportation Act* and the *Transportation of Dangerous Goods Act* (Canada).

(4) Subject to subsection (5), these regulations do not apply to hazardous waste.

(5) An employer shall ensure the safe storage and handling of hazardous waste through a combination of identification of the hazardous waste and worker education and training.

(6) The worker education and training mentioned in subsection (5) must include all hazard information that the employer is, or ought reasonably to be, aware of concerning the hazardous waste.

17 Jne 2016 cS-15.1 Reg 6 s3.

Restriction on use of hazardous products

4(1) Subject to subsection (2), an employer shall ensure that a hazardous product is not used, stored or handled in a place of employment unless all the applicable requirements in these regulations with respect to labels, identifiers, safety data sheets and worker education and training are complied with.

(2) An employer may store a hazardous product in a place of employment while actively seeking information required pursuant to these regulations.

17 Jne 2016 cS-15.1 Reg 6 s4.

Worker education and training

5(1) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is informed about:

(a) all hazard information received by the employer from a supplier concerning that hazardous product; and

(b) any further hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.

(2) If a hazardous product is produced in a place of employment, an employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is informed about all hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.

(3) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is educated and trained respecting:

(a) the content that is required to appear on a supplier label and workplace label for the hazardous product and the purpose and significance of the information contained on those labels;

(b) the content that is required to appear on a safety data sheet for a hazardous product and the purpose and significance of the information contained on the safety data sheet;

(c) all necessary procedures for the safe use, storage, handling and disposal of the hazardous product;

(d) all necessary procedures to be followed if fugitive emissions are present where workers may be exposed to those fugitive emissions; and

(e) all necessary procedures to be followed in case of an emergency involving a hazardous product.

(4) An employer shall ensure that the education and training required by subsection (3) is developed and implemented:

(a) for that employer's place of employment; and

(b) in consultation with the occupational health committee, if there is an occupational health committee.

(5) An employer shall ensure that:

(a) the education and training required by subsection (3) results in a worker being able to apply the information as needed to protect the health and safety of that worker or any other worker;

(b) the necessary procedures mentioned in clauses (3)(c) to (e) are implemented; and

(c) the knowledge of the workers is periodically evaluated using written tests, practical demonstrations or other suitable means.

(6) An employer shall review at least annually, or more frequently if required by a change in work conditions or available hazard information, the education and training programs provided to workers on the safe use, storage, handling and disposal of hazardous products, in consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) if there is no occupational health committee or occupational health and safety representative, a worker representative.

17 Jne 2016 cS-15.1 Reg 6 s5.

Supplier label

6(1) Subject to any exemption from labelling requirements in Part 5 of the *Hazardous Products Regulations*, an employer shall ensure that the hazardous product or the container in which the hazardous product is packaged that is received at a workplace has a supplier label affixed to it, printed on it or attached to it in a manner that complies with the requirements in Part 3 of the *Hazardous Products Regulations*.

(2) Subject to section 3-50 of the Act and any applicable exemptions from labelling requirements in Part 5 of the *Hazardous Products Regulations*, if any amount of a hazardous product remains in a workplace in the container in which it was received from the supplier, an employer shall not remove, deface, modify or alter the supplier label.

(3) An employer shall update the supplier labels or the information on a hazardous product as soon as significant new data is provided to the employer from the supplier.

(4) If the label applied to a hazardous product or the container of a hazardous product becomes illegible or is accidentally removed from the hazardous product or the container, the employer shall replace the label with either a supplier label or a workplace label.

(5) Notwithstanding subsections (2) and (4), a supplier label of a hazardous product may be removed under the normal conditions of use of the hazardous product in a container that has a capacity of three millilitres or less, if the label interferes with the normal use of the product.

(6) The employer shall affix a workplace label that meets the requirement in section 7 if the employer imports and receives a hazardous product pursuant to Part 5 of the *Hazardous Products Regulations* that:

(a) is only for use in the employer's place of employment; and

(b) is without a label.

(7) An employer who has received an unpackaged hazardous product or a hazardous product transported as a bulk shipment to which a supplier label has not been affixed or attached pursuant to the exemption in subsection 5.5(2) of the *Hazardous Products Regulations* shall affix a label having the information required of a supplier label to the container of the hazardous product or to the hazardous product in the workplace.

17 Jne 2016 cS-15.1 Reg 6 s6.

Workplace label for employer-produced products

7(1) Subject to subsections (2) and (3), if a hazardous product is produced at a place of employment, the employer shall ensure that a workplace label is applied to the hazardous product or the container of the hazardous product.

(2) An employer shall update the workplace labels or the information on a hazardous product as soon as significant new data is made available to the employer.

(3) Subsection (1) does not apply to:

(a) the production of fugitive emissions;

(b) a hazardous product that is in a container:

(i) intended to contain the hazardous product for sale or disposition; and

(ii) that is or is about to be appropriately labelled for sale or disposition within the normal course of business and without undue delay.

17 Jne 2016 cS-15.1 Reg 6 s7.

Workplace label for decanted products

8(1) Subject to subsection (2), if a hazardous product at a place of employment is in a container other than the container in which the hazardous product was received from a supplier, an employer shall ensure that a workplace label is applied to the container into which the hazardous product is placed.

(2) Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label applied to it if:

(a) all of the hazardous product in the portable container is required for immediate use; or

(b) all of the following conditions are met:

(i) the hazardous product is:

(A) under the control of, and used exclusively by, the worker who filled the portable container; and

(B) used only during the shift in which the portable container was filled;

(ii) the contents of the container are clearly identified.

17 Jne 2016 cS-15.1 Reg 6 s8.

Identification of hazardous products in piping systems and vessels

9 Notwithstanding sections 6 to 8, an employer shall ensure the safe use, storage, handling and disposal of a hazardous product in a place of employment through worker education and training and the use of colour coding, labels, placards or any other mode of identification if the hazardous product is contained or transferred in or on:

(a) a pipe;

(b) a piping system, including valves;

(c) a process vessel;

(d) a reaction vessel; or

(e) a tank car, tank truck, ore car, conveyor belt or similar conveyance.

17 Jne 2016 cS-15.1 Reg 6 s9.

Placard identifiers

10(1) Notwithstanding sections 6 to 8, an employer shall post a placard in accordance with subsection (2) if a hazardous product:

(a) is not in a container;

(b) is in a container or form intended for export; or

(c) is in a container that is intended to contain the hazardous product for sale or disposition, and the container is not yet labelled but is to be labelled pursuant to section 7.

(2) A placard required by subsection (1):

(a) must disclose the information that is required to appear on a workplace label; and

(b) must be of an appropriate size and must be placed in an appropriate location to make the information on it conspicuous and clearly legible to workers.

(3) An employer who complies with subsections (1) and (2) is deemed to have complied with sections 6 to 8.

17 Jne 2016 cS-15.1 Reg 6 s10.

Laboratory and sample labels

11(1) If a sample of a product described in subsection (2) is a hazardous product or a product that a supplier or an employer has reason to believe may be a hazardous product, a label provided by the supplier and affixed to the container received at the place of employment is deemed to be a supplier label for the purposes of section 6 if it meets the requirements in subsection (4).

(2) Subject to subsection (3), subsection (1) applies to a product that:

(a) is contained in a container that contains less than 10 kilograms of the product;

(b) is intended by the supplier or the employer solely for analysis, testing or evaluation in a laboratory; and

(c) is one with respect to which the supplier is exempt from the requirement to provide a safety data sheet pursuant to Part 5 of the *Hazardous Products Regulations*.

(3) Subsections (1) and (2) do not apply to a sample that is to be used:

(a) by the laboratory for testing other products, mixtures, materials or substances; or

(b) for educational or demonstration purposes.

(4) If a laboratory sample of a hazardous product is the subject of a labelling exemption pursuant to subsection 5(5) or (6) of the *Hazardous Products Regulations*, a label provided by the supplier and affixed to, printed on or attached to the container complies with the requirements in section 6 with respect to a supplier label if it discloses the following information in place of the information required pursuant to paragraph 3(1)(c) or (d) of the *Hazardous Products Regulations*:

(a) the product identifier;

(b) the chemical or generic chemical name of any material or substance in the hazardous product that is:

(i) individually classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations*, in any category or subcategory of a hazard class; and

(ii) present at a concentration that results in the mixture being classified in a category or subcategory of any hazard class, if known by the supplier;

(c) the initial supplier identifier; and

(d) the statement, "Hazardous Laboratory Sample. For hazard information or in an emergency, call / Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d'urgence, composez", followed by an emergency phone number that will enable the caller to obtain the information that is required to appear on the safety data sheet of a hazardous product.

(5) An employer is exempt from the requirements in section 8 if the hazardous product at a place of employment:

(a) is either:

(i) in a container other than the container in which it was received from a supplier; or

(ii) produced in the workplace;

(b) is a laboratory sample; or

(c) is intended by the employer solely for use, analysis, testing or evaluation in a laboratory and is clearly identified through a combination of:

(i) any modes of identification visible to workers at the workplace; and

(ii) worker education and training required pursuant to these regulations.

(6) If a hazardous product is produced in a laboratory, the employer is exempt from the requirements in sections 7 and 8 if the hazardous product:

(a) is intended by the employer solely for use, analysis, testing or evaluation for research and development;

(b) is not removed from the laboratory; and

(c) is clearly identified through a combination of:

(i) any modes of identification visible to workers at the workplace; and

(ii) worker education and training required pursuant to these regulations.

(7) For the purposes of subclauses (5)(c)(ii) and (6)(c)(ii), the employer shall ensure that the mode of identification and worker education and training used enables the workers to readily identify and obtain:

(a) the information required on a safety data sheet; or

(b) a label or document disclosing the information mentioned in subsection (4) with respect to the hazardous product or the laboratory sample.

17 Jne 2016 cS-15.1 Reg 6 s11.

Supplier safety data sheets

12(1) Subject to subsection (5), an employer who acquires a hazardous product for use, storage or handling at a workplace shall obtain a supplier safety data sheet, if one has been produced with respect to that hazardous product.

(2) If a hazardous product that is used in a workplace is three years old, the employer shall, if possible, obtain from the supplier an up-to-date supplier safety data sheet with respect to the hazardous product at that time.

(3) If an employer is unable to obtain an up-to-date supplier safety data sheet pursuant to subsection (2), the employer shall add to the existing supplier safety data sheet any significant new data of which he or she is aware or ought to be aware.

(4) An employer may provide a safety data sheet that is in a different format from that provided by the supplier or that contains additional hazard information if:

(a) subject to section 15, the safety data sheet provided by the employer contains no less information than the supplier safety data sheet or any lesser information that is acceptable to the occupational health committee, the occupational health and safety representative or, if there is no occupational health committee or occupational health and safety representative, a worker representative; and

(b) the supplier safety data sheet is available at the place of employment and the employer's safety data sheet indicates that the supplier safety data sheet is available at the place of employment.

(5) Notwithstanding subsection (1), an employer is exempt from the requirement to obtain a supplier safety data sheet for a hazardous product if:

(a) the employer is exempt from the requirement to provide a safety data sheet pursuant to Part 5 of the *Hazardous Products Regulations*; or

(b) the up-to-date safety data sheet no longer applies to the original product.

17 Jne 2016 cS-15.1 Reg 6 s12.

Employer safety data sheets

13(1) For the purposes of this section, **"produces"** does not include the production of a fugitive emission or of intermediate products undergoing reaction within a reaction vessel or process vessel.

(2) Subject to section 15 and Part 5 of the *Hazardous Products Regulations*, if the employer produces a hazardous product in a place of employment, the employer shall prepare a safety data sheet for the hazardous product.

(3) An employer shall update the safety data sheet mentioned in subsection (2) as soon as possible if significant new data becomes available to the employer, but not later than 90 days after the significant new data becomes available.

(4) Subject to Part 11 of the *Hazardous Materials Information Review Act*, on a request pursuant to subsection (5), an employer who produces a hazardous product in a workplace shall disclose to the person making the request the source of any toxicological data used in preparing a safety data sheet.

(5) An employer shall make the disclosure mentioned in subsection (4) on the request of an inspector, a concerned worker, the occupational health committee, an occupational health and safety representative or, if there is no occupational health committee or occupational health and safety representative, a worker representative.

17 Jne 2016 cS-15.1 Reg 6 s13.

Availability of safety data sheets

14(1) An employer shall ensure that a copy of a safety data sheet required pursuant to sections 12 and 13 is made readily available to any of the following who are consulted on the matter of how best to achieve safety data accessibility in the workplace:

(a) workers who may be exposed to the hazardous product;

(b) the occupational health committee, if any;

(c) an occupational health and safety representative, if any;

(d) a worker representative.

(2) If a hazardous product is received or produced at a laboratory and the employer has produced a safety data sheet, the employer shall ensure that the safety data sheet is readily available to any worker in the laboratory.

17 Jne 2016 cS-15.1 Reg 6 s14.

Omissions from safety data sheet

15 Pending the final determination of an employer's claim for an exemption pursuant to section 3-50 of the Act, the employer may, subject to any terms and conditions pursuant to that section, omit from a safety data sheet required by sections 12 and 13 the information that is the subject of the claim, but shall not omit any hazard information.

17 Jne 2016 cS-15.1 Reg 6 s15.

Disclosure re claim for exemption, exemption granted

16(1) In this section, **"proceedings"** means proceedings as defined in subsection 19(3) of the *Hazardous Materials Information Review Act*.

(2) An employer who claims an exemption from a requirement to disclose information pursuant to section 3-50 of the Act shall disclose the following on the required safety data sheet or label:

(a) a statement that a claim for exemption was filed with Health Canada;

(b) the date on which the claim for exemption was filed with Health Canada; and

(c) the registry number assigned to the claim pursuant to section 10 of the *Hazardous Materials Information Review Regulations*.

(3) Subsection (2) continues to apply until:

(a) in the case that an order is issued by a screening officer pursuant to subsection 16(1) or 17(1) of the *Hazardous Materials Information Review Act*, the end of the period that begins on the final disposition of the proceedings respecting the claim for exemption and ends at the time specified in the order; or

(b) in any other case, the end of the period not exceeding 30 days after the final disposition of the proceedings respecting the claim for exemption.

(4) An employer who receives notice of a decision pursuant to section 15 of the *Hazardous Materials Information Review Act* that his or her claim is valid shall, before the end of the period mentioned in clause (3)(a) or (b) and throughout the period ending on the last day of the exemption period stated in the decision, disclose on the required safety data sheet or label:

(a) a statement that an exemption has been granted;

(b) the date of the decision granting the exemption; and

(c) the registry number assigned to the claim pursuant to section 10 of the *Hazardous Materials Information Review Regulations*.

(5) If an employer who is granted an exemption pursuant to this section prepares a safety data sheet for a hazardous product, the safety data sheet complies with the requirements in subsection 13(2) if:

(a) it discloses the following information in place of the information elements listed in items 3(1)(a),(c) and (d) or 3(2)(a) and (c) of Schedule I of the *Hazardous Products Regulations*:

(i) in the case of a hazardous product that is a material or substance, the generic chemical name of the material or substance;

(ii) in the case of a hazardous product that is a mixture, the generic chemical name of each material or substance in that mixture that is:

(A) individually classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations*, in any category or subcategory of a hazard class; and

(B) present at a concentration that results in the mixture being classified in a category or subcategory of any hazard class, if known by the supplier;

(b) it does not disclose the information element listed in item 3(2)(d) of Schedule I of the *Hazardous Products Regulations*; or

(c) it discloses in the place of the product identifier a code name or code number for the product.

17 Jne 2016 cS-15.1 Reg 6 s16.

R.R.S. c.O-1.1 Reg 1, Part XXII repealed

17 Part XXII of *The Occupational Health and Safety Regulations, 1996* is repealed.

17 Jne 2016 cS-15.1 Reg 6 s17.

Transition – labelling requirements and safety data sheets

18(1) In this section, **"former section"** means a section of *The Occupational Health and Safety Regulations, 1996* as that section existed before the coming into force of these regulations.

(2) Until December 1, 2018, if the employer meets the requirements in former sections 319 and 325:

(a) the requirements in these regulations respecting supplier labels on hazardous products acquired by an employer do not apply to an employer;

(b) the requirements in these regulations respecting supplier safety data sheets received by an employer do not apply to an employer; and

(c) former sections 319 and 325 continue to apply to the employer.

(3) Until December 1, 2018, if the employer meets the requirements in former sections 320, 321 and 326:

(a) the requirements in these regulations respecting workplace labels on hazardous products do not apply to an employer;

(b) the requirements in these regulations respecting employer safety data sheets prepared by an employer do not apply to an employer; and

(c) former sections 320, 321 and 326 continue to apply to the employer.

(4) Until December 1, 2018, if the employer meets the requirements in former sections 319, 324 and either former section 325 or 326:

(a) the requirements in these regulations respecting supplier labels on hazardous products acquired by an employer do not apply to an employer;

(b) the requirements in these regulations respecting laboratory labels on hazardous products acquired by an employer do not apply to an employer;

(c) the requirements in these regulations respecting supplier safety data sheets received by an employer do not apply to an employer;

(d) the requirements in these regulations respecting employer safety data sheets prepared by an employer do not apply to an employer; and

(e) former sections 319, 324 and either former section 325 or 326 continue to apply to the employer.

17 Jne 2016 cS-15.1 Reg 6 s18.

Coming into force

19 These regulations come into force on the sixty-first day after the day on which they are published in *The Saskatchewan Gazette*.

17 Jne 2016 cS-15.1 Reg 6 s19.

REGINA, SASKATCHEWAN
Printed by the authority of
THE QUEEN'S PRINTER
Copyright©2016