

# **SASKATCHEWAN FEDERATION OF LABOUR**

## **Written Submission to**

### **The Saskatchewan Occupational Health and Safety Council**

**May 14, 2004**

## **INTRODUCTION**

The Saskatchewan Federation of Labour, representing 89,000 workers and 35 Labour organizations, has held extensive consultation with their affiliates. Affiliates reported that at the present time the Labour movement in Saskatchewan is experiencing the reality that Labour Legislation, including the Occupational Health and Safety Act and Regulations, is in fact working for the protection of employers and business. Legislation that workers believed to be proclaimed for the protection of working men and women against injury, occupational diseases and death is now working against them.

Looking back over the recommendations from previous reviews it is clear that even without legislative change the Government, through the Occupational Health and Safety Division Administration, has introduced subtle changes and programs to ensure that anti-worker and anti-union initiatives have been put in place. Preference has been given to such programs as Voluntary Compliance, the Internal Responsibility System, Behavioral Safety schemes, Assurance Compliance; Risk Management, self regulation, and partnerships with Employer Safety Associations. All these have replaced enforcement, fines and prosecution. The focus is on blaming the worker and reducing costs rather than the prevention of injuries and disease. Enforcement is no longer the cornerstone.

Although Government and employers are promoting the ideal of “healthy workers” we are in fact experiencing “unhealthy workplaces” and “unhealthy workers”. The causes of these conditions are directly related to the workplace and the management styles, which focus on forcing workers to work under hazardous and unhealthy conditions. Injured and ill workers currently receiving benefits are being harassed through attendance support programs to “work sick”, or threatened with discipline up to and including dismissal for utilizing their sick leave

and refusing to come to work while injured or ill. Employers are focusing upon behavior modification programs and policies which pits worker against worker and undermines any efforts that focus on addressing hazardous workplace conditions.

Workers are no longer completing incident report forms indicating “Why should we - nothing ever gets done, even when the Department of Labour is involved”. Involvement by the Division over the last year has resulted in Officer’s reports rather than Contraventions; Notices of Contravention when issued are being overturned and/or weakened; recommendations from Inspectors that employees go to EFAP if they cannot cope with being threatened and physically attacked; and technical advice that workers take exercise breaks rather than be allowed a meaningful lunch break in sanitary conditions. It has also been noted by workers that there is a fear of reprisals for complaining and reporting incidents to the Occupational Health and Safety Committee or to their managers.

The number one concern raised by public and private sector workers is Bullying and Personal Harassment, bullying by managers following their corporate mandate and behavioral safety schemes, and by co-workers pressured due to stressful and unhealthy working conditions. A mandate that looks upon workers as a “human resource” that can be costed against profit in this era of capitalism and privatization, a “human resource” that can be discarded when no longer “profitable” due to injury and/or disease.

The next highest area of concern was the load of work. Workers are forced to work sick, work short, and work in situations that endanger their physical, mental and social well-being.

The role of the Occupational Health and Safety Division has changed dramatically since the first Occupational Health and Safety Legislation was proclaimed in Saskatchewan. Today there is no meaningful enforcement of the Act and Regulations. The Government and the Occupational Health and Safety Division Administration are perceived as “puppets” of business associations and industry, and an adversary to the working men and women of Saskatchewan. Adversarial to the workers they employ, and workers employed in programs

that receive direct government funding to operate Saskatchewan's public services where there is absolutely no meaningful enforcement. In the Public sector bad practices causing injuries and disease are not only condoned but often promoted.

Worker appointees to the Occupational Health and Safety Council are feeling pressured to reach a consensus report based upon reducing costs to the Government and Employers. The Division makes continuous reference to the Government's Regulatory Code of Conduct and how the Council must take "cost and resources" into consideration when developing their recommendations.

It is the position of the Saskatchewan Federation of Labour that Occupational Health and Safety (and Worker's Compensation) should be exempt from this process of cost analysis. The Federation of Labour is unwilling to put a cost, or use a profit analysis, regarding the life and/or quality of life of any injured worker, their spouse or children. Any employers who kill, maim, injure, or cause disease to a worker or their family must be held accountable.

### **Action Plan for Occupational Health and Safety.**

On September 19<sup>th</sup>, 2003 the Department of Labour released a "Five-Point Action Plan for Healthy and Safe Workplaces" which included:

1. **Taking Responsibility** – Committing to good health and safe work practices is the key to injury prevention.
2. **Improving Standards** – Saskatchewan's health and safety standards are based on practical experience. Every workplace is expected to meet them.
3. **Providing Support** – Saskatchewan Labour provides technical and practical support for better risk management.
4. **Reaching New Workers and Their Employers** – Young workers are more likely to be injured on the job. Tools are available to help new workers stay healthy and safe on the job.
5. **Increasing Awareness** – Health and safety needs to be part of each and every workplace activity.

The experience of Saskatchewan workers under the current Department of Labour philosophy and mandate has not been a positive one and the action plan as outlined has resulted in the focus being on the worker's behavior and not improving working conditions.

Workers are being mandated to practice a healthy lifestyle to ensure "good health" and to utilize "safe work practices" in place of the employer ensuring a workplace free of hazards. Employers are utilizing behavioral science programs to place the blame on workers for the increase in injury rates based upon what they do while at home and at the worksite. The Internal Responsibility System is once again being utilized in its most regressive form, with the re-introduction of Dr. Peter Strahlendorf's work into publications and training at the Department of Labour.

Employers are accepting a level of injury rates using practical experience which is based upon financial implications. How much an employer can afford to pay for compensation and managing risks as a shared responsibility versus eliminating hazards and the risks associated with those hazards and dangerous working conditions.

Government is enhancing support systems through Partnerships, Safety Associations, the privatization of education and training, and by the expansion of risk management programs. During our review affiliates made it clear that all of these systems and educational programs use the "blame the worker" theory.

The Worksafe Saskatchewan program and the Ready for work programs have done a great deal to increase awareness. These programs should now expand their focus from the worker knowing their rights and responsibilities to include increased awareness and accountability amongst employers regarding their legislated duties and responsibilities plus meaningful enforcement by the Division.

The focus of the Action Plan appears reactive and based upon "controlling" the number of injuries and not on the prevention and/or elimination of the hazards causing injury and

disease. The focus remains upon a voluntary compliance system which hopes to reduce compensation costs to employers, and avoid the stigma to a Province, who once led the way in Health and Safety, now being known for their unacceptable injury rates due to lack of enforcement and prevention initiatives.

It is the position of the SFL that the philosophy and mandate of the Occupational Health and Safety Division must change. A proactive mandate based upon prevention and enforcement must be implemented immediately. During numerous Occupational Health and Safety and Worker's Compensation Reviews over the last two decades the SFL has advocated for adequate staffing and resources to be allocated to the Division and that financial resources not be limited by the Treasury Board, or the Regulatory Code of Conduct.

## **STATISTICS**

Any examination of the statistical records kept for workplace fatalities, maimings and injuries will reveal an urgent need for our province and country to make far better efforts to protect working people when they are at their place of employment.

Depending on the category you chose Saskatchewan is either the worst or next to the worst jurisdiction in Canada in terms of killing, permanently disabling and injuring employees while they are on the job.

Those figures are collected, compiled and published by the Association of Workers' Compensation Boards of Canada, and even the most superficial look at their comparative statistics will demonstrate that there are no bright spots in the data as it relates to this province.

Saskatchewan has the second worst injury frequency per 100 employees in the country, including the northern territories where the accident prone sectors of resource extraction and primary industries predominate.

For both lost-time injuries and the less severe but still reported no time-loss accidents - Saskatchewan has a shameful record, and the figures for the past decade indicate it is not improving.

The number of fatalities on the job range between 25 and 40 per year over the last decade in Saskatchewan workplaces. This is on average ten or a dozen more fatalities annually than are recorded in provinces with similar sized populations. Here again there is no sign of a downward trend in the number of workers killed on the job.

The incidence of Saskatchewan injured workers left with permanent functional impairments is also unacceptably high, and it is also consistently and continuously high over the years surveyed by the Association of Compensation Boards.

It should be noted too that the Canadian experience of killing and injuring people on the job is not an enviable one either. Compared to many other modern, western, industrialized countries Canada has an unacceptably poor record of workplace safety and occupational health.

Whether it's the G7 or Organization for Economic Cooperation and Development (OECD) countries that our record is held up against, we in Canada have nothing to be proud of, and a whole lot that needs to be improved. A Canadian worker has a greater chance of being killed on the job than a worker in almost other industrialized country. According to the most recent statistics 7 out of every 100,000 Canadian workers will die as a result of work place injuries. In addition, Canada has the 4<sup>th</sup> highest rate of injuries on the job amongst the 16 member countries of the Organization of Economic Cooperation and Development.

So our workplaces in Canada are relatively unsafe when compared to other democratic and developed countries. Our national record for killing and injuring workers is terrible. But even in that sad context, Saskatchewan manages to be at or near the bottom of the heap in one category after another that measure workplace safety and occupational health.

Far too many workers die or are disabled in this province and country and not enough is being done about it especially in Manitoba and Saskatchewan. This link between the

Administration of Occupational Health and Safety in the two Prairie Provinces must be investigated.

	<b>Fatalities on the job in 2002</b>	<b>Number of Claims being handled</b>	<b>New time loss claims in 2002</b>	<b>Injury frequency per 100 workers</b>
Alberta	101	154,474	37,573	2.79
B.C.	158	159,372	56,938	3.24
<b>Manitoba</b>	<b>19</b>	<b>42,985</b>	<b>16,200</b>	<b>5.00</b>
New Brunswick	17	27,151	3,851	1.59
Newfoundland	23	15,014	5,172	2.94
Northwest Terr., Nunavut	6	3,535	932	3.10
Nova Scotia	14	33,874	8,133	3.11
Ontario	383	361,179	80,997	2.27
Prince Edward Island	1	4,810	1,341	2.66
Quebec	188	157,207	107,713	3.32
<b>Saskatchewan</b>	<b>23</b>	<b>39,125</b>	<b>15,226</b>	<b>4.52</b>
Yukon	1	1,523	496	4.03
Total	934	1,000,249	334,571	
Average				3.21

The figures in the table above are taken from the Association of Workers' Compensation Boards of Canada web site, April 2004

Some provincial Workers' Compensation Boards have now issued statistics for 2003. As of the end of 2003, **Saskatchewan and Manitoba are now tied for the highest workplace injury rate in Canada at 4.8%**

## CONCLUSION

To conclude our introductory comments the Saskatchewan Federation of Labour believes in moving forward and building a better future for young Saskatchewan workers. However, that does not mean we forget our history and the hard work and struggles of the Labour movement in the 1970s and over the following years. Saskatchewan's history in the area of Occupational Health and Safety is recognized world-wide. We need to regain that momentum and move away from the Internal Responsibility System and Behavioral Science agenda introduced by the Division. This has put Saskatchewan and Manitoba at the top of the list of "bad actors" when it comes to injury statistics.

There were many areas of concern identified by affiliates of the Saskatchewan Federation of Labour which are addressed in the recommended changes to the Act and Regulations. Some items were difficult to address and in order that they not be forgotten the following lists some of the priorities the Saskatchewan Federation of Labour Affiliates have identified.

1. Strong Enforcement Programs in both the public and private sectors. The Division Officers must be allowed to enforce in the Public Sector without interference by Administration and Government.
2. Penalty assessment citations must become a reality for routine enforcement.
3. Prosecutions must be mandatory in all deaths, and increased penalties must be implemented.
4. C45 – Criminal Code of Canada (Westray Bill) needs to be incorporated into the Act for serious offences.
5. Whistle Blowers protection to be incorporated into the Act.
6. Education of Committee Chairpersons and members to be expanded and enforced to give committee members increased duties and responsibilities while consulting with the employers, contractors, suppliers, owners and the trade union(s) representing the workers at the place of employment. The ultimate accountability remaining with the Employer, contractor or owner.
7. Training of Workers incorporated into the Act and enforced.
8. Strengthening of the Right to Refuse
9. Updating the Definitions to delete “reasonably practicable”, include “personal harassment” “competent supervisor”; and “consultation”.
10. Inclusion of Personal Harassment in the Act and Regulations.
11. Focus on Prevention throughout the Act and Regulations.
12. Legislative mandate to establish a Worker Occupational Health and Safety Centre.
13. Changes to the Officers Duties and any other relevant sections to protect against political interference. Change “may” to “shall”.

14. Funding for Occupational Health and Safety should not be limited by the Treasury Board or the Regulatory Code of Conduct.
15. Expanded Regulations required on Shiftwork, Working Alone, Infection Control, Needlestick injuries, and the Health Care Regulation.
16. New Regulations required for Personal Harassment, Workload, additional protection for Corrections workers and additional protection for workers in the Meat Packing Industry.
17. Deletion of “prescribed places of employment” and the relevant tables. The entire Act and Regulations should apply to all workers.
18. Codes of Practice to become part of the Regulations.
19. Dr. Peter Strahlendorf’s Internal Responsibility system to be eliminated from all publications and training materials. Including SIAST and University programs receiving grants from government.

Finally, the Saskatchewan Federation of Labour would like to repeat our concern that there will be no public consultation during this process. Aboriginal workers, young workers and many women in the workforce do not always have the ability to make their voices heard through the Trade Union movement. The majority of social groups that would have previously worked with the Saskatchewan Federation of Labour no longer exist due to the drastic cuts in government grants to the poor and less fortunate. We all realize how difficult it is to make the contacts and gather the information from those that need to be heard. Considering the Government is promoting “healthy workers”, “healthy workplaces”, “family friendly workplaces” and protection for young workers, an effort should be made, through a standardized review process, to reach these workers and listen to their concerns.

**RECOMMENDED CHANGES TO THE OCCUPATIONAL HEALTH AND SAFETY  
ACT.**

**PART I – Preliminary Matters.**

**Interpretation:**

**Section of the Act:** 2(1)(k) “committee”

**Issue:** Not consistent with “representative”

**Recommendation for Change:** means and occupational health *and safety* committee;

**Rationale:** Consistency.

**Section of the Act:** 2(1)(l) Harassment.

**Issue:** Personal Harassment which includes bullying, mobbing and social isolation need to be addressed in the Act. Personal harassment is being promoted through the employer’s behavioral science safety programs.

**Recommendation for Change:** Definition would read as follows

2(1)(l) “harassment” means any objectionable conduct, comment or display by a person that *the worker believes:*

- (i) is directed at a worker;
- (ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; ~~and~~
- (iii) *constitutes vexatious behavior or Psychological Abuse in the form of repeated, hostile, or unwanted conduct; verbal comments; bullying; mobbing; social isolation; badgering; favoritism; any action or gesture that affects the workers dignity or psychological or physical integrity, including any single serious occurrence of such behavior that has a lasting harmful effect on an employee,*

(iv) constitutes a threat *to the physical, psychological, social well-being or the health or safety of the worker resulting in a harmful environment for the worker.*

**Rationale:** The International Labour Organization (ILO) underscored that workplace violence both physical and emotional is the greatest hazard facing workers in the workplace of the new millennium. Bullying being far more prevalent than other well-known workplace transgressions such as sexual harassment and racial discrimination.

Inclusion would give protection to workers and who are experiencing bullying and who are experiencing health symptoms of depression, anxiety, loss of concentration, insomnia, post traumatic stress and nervous breakdown due to psychological abuse.

**Section of the Act:** (2)(l)(r) “occupational health and safety service”

**Issue:** Employers do not seem to understand that if they hire an Occupational Health and Safety Officer or belong to a Safety Association that they **do not** have a “service”. Employers and the Division use this provision to by-pass the Occupational Health and Safety Committees and workers at the worksite.

**Recommendation for Change:** Delete definition and Section 12 “Duty to provide occupational health and safety service”.

**Rationale:** To prevent confusion and enable Occupational Health and Safety Committees to function without interference and intimidation from Employers and Safety Associations. To promote enforcement by the Division.

**Section of the Act:** 2(l)(z) “prescribed”

**Issue:** Limits the scope of the Act and Regulations. Discriminates against those workers who are not in a prescribed place of employment.

**Recommendation for Change:** Delete throughout the Act and Regulations. Delete Table 7.

**Rationale:** To allow all places of employment to be covered under the Act and Regulations. Specific areas that need to be addressed are the Occupational Health and Safety Program, Violence and Harassment.

**Section of the Act:** 2(1)(aa) “reasonably practicable”

**Issue:** Used as an excuse by Employers not to comply with the Act and Regulations. Used as an excuse by the Division not to issue notices of contravention to protect workers at their worksite.

**Recommendation for Change:** Delete the definition and all references in the Act, regulations, Codes of Practice, and all Division education and training materials.

**Rationale:** To ensure compliance with the Act, regulations and codes of practice wherever “practicable” and to enhance enforcement.

**Section of the Act:** Move Definitions

**Issue:** Training of workers needs to be addressed in the Act.

**Recommendation for Change:** Move the definition of “competent”, “competent worker” and “train” into Section 2.

2(1)(..) “competent” means possessing the knowledge, experience and training to perform a specific duty.

2(1)(..) “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;

2(1)(..) “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;

**Rationale:** Prevention of injury, disease or death of a worker.

**Section of the Act: NEW Definitions**

*“competent supervisor” with respect to a particular task or duty, includes a supervisor who possesses knowledge, experience, and training to perform a specific duty and supervise workers.*

*“Consultation” means the employer must give and must appear to give the Occupational Health and Safety Committee a real opportunity to:*

- *be informed of all relevant matters or facts at play on an ongoing basis;*
- *provide their knowledge, advice and decisions to the employer after being fully advised of all the relevant facts or matters, which must be considered in reaching their decision;*
- *to be heard and have their knowledge, advice and decision considered and acted upon.*

*“injury” means any disease or ailment; any impairment of the physical, psychological or mental condition of a worker, caused by work and effecting the well-being of a worker.*

**PART II – DUTIES**

**Section of the Act:** 3 General duties of the employers

**Issue:** The current language is too weak and does not make employers accountable.

**Recommendation for Change:** The section would read as follows

- 3 Every employer shall:
- (a) ensure, ~~insofar as is reasonably practicable~~, the health, safety and welfare at work of all of the employer’s workers *who may be affected by the employer’s acts or omissions;*
  - (b) ~~consult and~~ co-operate with any *joint* occupational health and safety committee or the occupational health and safety representative, *constituted under the Act and*

*Regulations*, at the place of employment for the purpose of *immediately* resolving concerns on matters of health, safety and welfare at work;

(c) *refrain from causing or participating in the harassment and/or psychological abuse of a worker*, and ensure, ~~insofar as is reasonably practicable~~, that the employer's workers are *provided with a respectful workplace* and not exposed to harassment at the place of employment;

(d) co-operate with any other person exercising a duty imposed by this Act or regulations;

(e) *ensure that the employer's workers are fully trained and/or competently supervised prior to commencing work*; and

(f) comply with this Act ~~and~~ the regulations, *and codes of practice*.

**Rationale:** With enforcement to make the Employer(s) accountable.

#### **Section of the Act:** 4 General Duties of Workers

**Issue:** Not consistent with the duties of the employer.

**Recommendation for Change:** Section would read as follows

(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 *and/or psychological abuse* of another worker;

(c) comply with this Act ~~and~~ the regulations, *and codes of practice*.

**Rationale:** Consistency with the duties of the employer.

#### **Section of the Act:** 5 General Duties of self-employed persons

**Issue:** Deletion of "reasonably practicable"

**Recommendation for Change:** Delete "reasonably" from (a).

**Rationale:** Consistency with previous recommendation.

**Section of the Act:** 6 General Duties of contractors

**Issue:** Deletion of “reasonably practicable”

**Recommendation for Change:** Delete “reasonably” in (a)

**Rationale:** Consistency with previous recommendation.

**Section of the Act:** 7 Duties of owners

**Issue:** Deletion of “reasonably practicable”

**Recommendation for Change:** Delete “reasonably” from (a).

**Rationale:** Consistency with previous recommendation.

**Section of the Act:** 8 Duties of suppliers

**Issue:** Deletion of “reasonably practicable”

**Recommendation for Change:** Delete “reasonably” from (a)

**Rationale:** Consistency with previous recommendation.

**Section of the Act:** 9 (1) Duty to provide information

**Issue:** Accessibility of information to workers and Trade Unions has been a major concern.

**Recommendation for Change:** Section would read as follows,

Duty to provide information

9(1) In this section, “required information”

(a) means any information that an employer, contractor, owner or supplier knows or may be ~~reasonably~~ 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, *eliminate*, and/or control any existing or potential hazard with respect to any plant or any process, procedure, biological substance, *known or suspected carcinogen; known communicable disease*; or chemical substance used at a place of employment; ~~and~~

(b) includes any prescribed information

(c) *identifies patients/residents/clients who are known to be violent and/or known to have an infectious disease.*

9(2) Subject to section 10 and Part VI, and employer shall provide *and make accessible* all required information *on a quarterly basis* to the following at a place of employment:

(a) the occupational health *and safety* committee

(b) the occupational health and safety representative

(c) the workers, ~~where there is no occupational health committee and no occupational health and safety representative;~~

(d) *the trade union(s) representing the workers at the workplace*

- 9(3) Subject to Part VI, a contractor shall provide all required information to:
- (a) every employer and self-employed person with whom the contractor has a contract;
  - (b) any worker, trade union(s) representing the workers at the place of employment or joint occupational health and safety committee established by the contractor.
- 9(4) Remains the same
- 9(5) Subject to Part VI, every supplier shall provide prescribed written instructions and any other prescribed information to *every worker, the trade union(s) that represents the workers, joint occupational health and safety committee, and the employer* whom the supplier supplies any prescribed biological substances, *known or suspected carcinogens*, chemical substance or plant.

**Rationale:** Accessibility of information to the worker and trade union that represents them. To supply updated information on a regular basis and to directly inform workers of the hazardous materials they are working with.

#### **Section of the Act:** 10 Exemptions

**Issue:** Confusing section. Many people believe this means exemptions from the Act and Regulations. Employers are claiming trade secrets exemptions when they have not been approved by the Hazardous Materials Information Review Commission.

#### **Recommendation for Change:**

10(1) Subject to Part VI, and employer, owner, contractor or supplier may apply for an exemption from the requirements of subsection 9(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 *with proof of approval as a trade secret by the Hazardous Materials Information Review Commission.*

Delete (2) and (3).

**Rationale:** To prevent unnecessary exposures and ensure access to information by workers.

**Section of the Act:** 11 Provision of information to medical personnel

**Issue:** Deleted 10(2)

**Recommendation for Change:** Change 10(2) to 10(1)

**Rationale:** Consistency with previous recommendation.

**Section of the Act:** 12 Duty to provide an occupational health and safety service

**Issue:** Employer's misuse of the section has been a major concern to workers trying to get access to the Occupational Health and Safety Committee and/or a Division Officer.

**Recommendation for Change:** Delete.

**Rationale:** Consistency with a previous recommendation.

**Section of the Act:** 13 Duty to provide an occupational health and safety program

**Issue:** Does not cover all worksites. Discriminatory to those workers who are not covered.

**Recommendation for Change:** Section will read

13(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.

(2) An occupational health and safety program must be established *by the employer* and designed *by the Occupational health and safety committee* in consultation with:

- (a) ~~the occupational health and safety committee~~ *the employer;*
- (b) ~~the occupational health and safety representative;~~ *the Managers;*

- (c) the workers, ~~where there is no occupational health committee and no occupational health and safety representative;~~
- (d) *the trade union(s) representing the workers at the workplace.*

(3) remains the same

(4) An occupational health and safety program must be in writing and must be made available *by the employer to the occupational health and safety committee, the occupational health and safety representative, the workers, the Managers, the trade union representing the workers at the workplace,* and an occupational health officer ~~on~~ request.

**Rationale:** Protection of workers regardless of sector, and accessibility of information.

**Section of the Act:** 14 Duty re policy on violence

**Issue:** Does not cover all worksites where violence exists.

**Recommendation for Change:**

14(1) An employer ~~at a prescribed place of employment~~ where violent situations have occurred or may reasonably be expected to occur shall develop and implement a policy statement *and prevention program* to deal with potentially violent situations ~~after consultation~~ *in conjunction* with:

- (a) the occupational health and safety committee;
- (b) the occupational health and safety representative;
- (c) the workers, ~~where there is no occupational health committee and no occupational health and safety representative;~~
- (d) *the trade union(s) representing the workers at the workplace.*

(2) A policy statement *and prevention program* required by subsection (1) shall include any provisions prescribed in the regulations *and/or code of practice.*

**Rationale:** Protection of workers against violence in the workplace.

**PART III**  
**Occupational Health and Safety Committees and Occupational Health and Safety  
Representatives**

**Section of the Act:** 15 Establishment of committee

**Issue:** Requirement for committee to be established are too low. Trade union constitutions do not address the elections or appointments of members to the joint committees. The Division has upheld employer's appeals that Union By-laws do not replace a constitution and allowed employers to designate or appoint committee members.

**Recommendation for Change:**

15(1) Subject to the regulations, at every place of employment where ~~10~~ 5 or more workers of one employer work, the employer shall:

- (a) establish an occupational health *and safety* committee at the place of employment, and
- (b) designate persons as members of the occupational health *and safety* committee in accordance with this section; *and*
- (c) *appoint senior management to the committee who have the authority to make decisions regarding the health and safety of the employer's workers* .

15(2) Remains the same

15(3) Remains the same

15(4) No person ~~may~~ shall be designated as a member of an occupational health *and safety* committee who represents workers 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~~ *by* the trade union of which the workers are members; or

(c) where more than one trade union represents the workers *each trade union shall be represented* ~~that 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 trade unions.

**Rationale:** Allows workers and the trade unions that represent them to appoint to the committees. Will not allow the employer to designate.

**Section of the Act:** 16 Designation of representatives.

**Issue:** Needs to be consistent with as 15

**Recommendation for Change:** Make the appropriate changes

**Rationale:** Consistency with Committee section.

**Section of the Act:** 17 Duty to post names

**Issue:** Names are not being posted in locations that are accessible to all employees

**Recommendation for Change:** Delete “conspicuous” and replace with “accessible”  
Delete “location” and replace with “location(s)”

**Rationale:** Allows for all workers to have access to the name of the committee or the representative.

**Section of the Act:** 19 Duties of the Committee

**Issue:** Committees and representative have no power to ensure their duties are performed, without interference, and their recommendations implemented by Employer, Contractors and/or owners.

**Recommendation for Change:** The section would read as follows

19(1) The ~~duties of an~~ joint occupational health and safety committee ~~are~~ shall;

- (a) ~~to~~ participate in the identification, *elimination, or* ~~and~~ control of health and safety hazards in or at the place of employment and at the worker's worksite;
- (b) ~~to~~ co-operate with ~~the occupational health and safety service, if any, established for the place of employment;~~ *any other person exercising a duty imposed by this Act, the regulations or a code of practice;*
- (c) ~~to~~ establish, promote, ~~and recommend~~ *and participate in* the means of delivery of 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 23;
- (f) ~~to~~ receive, ~~consider~~ *investigate*, and resolve matters respecting the health and safety of workers;
- (g) ~~to~~ *establish any necessary program(s) to prevent hazardous materials and/or carcinogens from entering the workplace;*
- (h) ~~to~~ *develop Occupational Health and Safety programs and policies, in consultation with the Employer and the trade union(s) representing the workers, that are specified in the Act or prescribed in the Regulations or a Code of Practice*
- (i) ~~to~~ carry out any other duties that are specified in this Act or prescribed in the Regulations or Codes of Practice.
- (j) *review all incident reports and take the necessary remedial action to eliminate or minimize the hazard.*

(2) *It shall be an offence for an employer to discipline an Occupational Health and Safety Committee member for voicing their opinion while complying with subsection (1) (a) – (j).*

**Rationale:** To expand the duties and responsibilities of the joint committees with a view to preventing injury, disease and death. To prevent the harassment of Committee members and Co-Chairs.

**Section of the Act:** Duties of representative

**Issue:** Same as 19 committees

**Recommendation for Change:** Same as 19 committees

**Rationale:** Same as 19 committees

**Section of the Act:** 21 Reference to officer

**Issue:** The current wording is too vague, stronger language is required.

**Recommendation for Change:**

21(1) Remains the same

21(2) Remains the same

21(3) add *(e) the Trade union(s) representing the workers,*

21(4) Where a matter is referred to an occupational health officer pursuant to section (3): *The officer shall:*

(a) ~~if the circumstances warrant it, the officer may~~ issue a notice of contravention in accordance with this Act, *Regulations and Code of Practice;*

(b) *when circumstances warrant an officer's report* ~~the officer may~~ endeavor to mediate an acceptable resolution of the matter and, if the matter cannot be resolved, give written reasons to the employer, *the workers, the trade union representing the workers,* and the occupational health *and safety* committee or the occupational health and safety representative, as the case may be, why the matter cannot be resolved;

(c) ~~the officer may~~ determine that *if there is no problem or concern and inform in writing* the person who referred the matter of the determination, *the worker and the trade union(s) representing the worker(s).*

(5) Remains the same

**Rationale:** Gives the officer clearer direction and priorities.

**Section of the Act:** 22 Provision of reports by officer

**Issue:** Needs to be stronger to ensure reports are accessible.

**Recommendation for Change:**

22 ~~If~~When 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 *and safety* committee;
- (b) the occupational health and safety representative;
- (c) the employer's workers, ~~where there is no occupational health committee and no occupational health and safety representative;~~
- (d) *the trade union(s) representing the workers at the workplace.*

**Rationale:** Full disclosure of reports to all interested parties.

**PART IV**

**Right to Refuse Dangerous Work; Discriminatory Action**

**Section of the Act:** 23 Right to Refuse

**Issue:** Too restrictive and not enforceable. Committees are not investigating refusals in an unbiased manner due to employer interference. Workers are being required to return to dangerous situations. The Division often refuses to investigate and directs the worker that the Parties should “work it out” at the worksite.

**Recommendation for Change:** Section would read as follows,

23 A worker *or group of workers* may refuse to perform any particular act or series of acts, *including but not limited to entering into an area*, at a place of employment where the worker has reasonable grounds to believe that the act or series of acts ~~is~~ could be ~~unusually~~ dangerous

to the worker's health and 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~~
- (a) the occupational health and safety committee has investigated the matter and ~~advised the worker otherwise~~, *reported the findings of their investigation to the worker, the trade union(s) that represent the worker, and the employer, or*
- (b) *an occupational health and safety officer has investigated the matter and reported the findings of their investigation to the worker, the trade union(s) that represent the worker, and the employer, or*
- (c) *an adjudicator has ruled on the case under section 53(1) of this Act.*

**Rationale:** To strengthen the Right to Refuse and allow the worker, or group of workers, an unbiased and complete investigation prior to being sent back to do work that could cause injury, disease or death.

**Section of the Act:** 24 Investigation by officer

**Issue:** Considered part of 23

**Recommendation for Change:**

24 Where there is no occupational health *and safety* committee at a place of employment or the worker, *the trade union(s) representing the worker*, or the employer is not satisfied with the decision of the occupational health *and safety* committee pursuant to clause ~~23(b)~~ 23(a):

- (a) ~~the worker or the employer may request~~ an occupational health officer ~~to~~ *shall* investigate the matter; and
- (b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 23 until the occupational health officer has investigated the matter and advised the worker ~~otherwise~~ pursuant to section 25(2)

**Section of the Act:** 25 Decision of officer

**Issue:** Considered part of 23

**Recommendation for Change:** Section would read as follows,

25(1) Where an occupational health officer decides that an act or series of acts that a worker, *or group of workers*, has refused to perform pursuant to section 23 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~~ *shall* issue a notice of contravention in writing to the employer requiring the appropriate remedial action.

(2) Where an occupational health officer decides that an act or series of acts that a worker, *or group of workers*, has refused to perform pursuant to section 23 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, *the group of workers, and the trade union(s) representing 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 23.~~

*(b) advise the worker, the group of workers, and the trade union(s) representing the workers of their right to appeal to an Adjudicator.*

**Section of the Act:** 26 Other workers not to be assigned

**Issue:** Considered part of 23

**Recommendation for Change:** Section would read as follows:

26 Where a worker, *or a group of workers*, has refused to perform an act or series of acts pursuant to section 23, the employer shall not request or assign another worker to perform that act or series of acts *until the refusal, pursuant to section 23, has been fully investigated and all appeal processes exhausted.* ~~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 do the act or series of acts can, in the employer's opinion~~

**Section of the Act:** 28 Referral to officer

**Issue:** Employers continue to discriminate against Occupational Health and Safety Committee members and representatives if they involve an Officer. Often the individual worker will not complain for fear of reprisals.

**Recommendation for Change:**

28(1) A worker, a group of workers, or the trade union(s) representing the workers, who ~~on~~ ~~reasonable grounds,~~ believes that the employer has taken discriminatory action against ~~him or her~~ a worker, or group of workers, for a reason mentioned in section 27 may refer the matter to an occupational health officer.

(2) Where an occupational health officer ~~decides~~ *determines* that an employer has taken discriminatory action against a worker for reason mentioned in section 27, the occupational health officer shall issue a notice of contravention requiring the employer to:

(a) – (d) Remain the same

(3) & (4) Remain the same

**Rationale:** To ensure all discriminatory action is investigated and the appropriate remedial action taken. Allows for the trade union(s) representing the workers at the workplace to file a charge of discrimination.

**PART V**

**Notice of Contravention**

**Section of the Act:** 30 Notice of contravention

**Issue:** By the time the officer gets involved and has identified the contravention the problem is long-standing and all other avenues have usually been exhausted. Information on contraventions is not made accessible and readily available to the public, workers, and the trade union that represents them.

**Recommendation for Change:**

30(1) An occupational health officer ~~may~~ *shall* serve a notice of contravention in writing on *an employer, contractor, owner supplier, or person* ~~if~~ *when* the occupational health officer ~~is of the opinion~~ decides that the *employer, contractor, owner or supplier, or person*:

(a) is contravening, *or is likely to contravene*, any portion of this Act or the Regulations *or Code of Practice*; or

(b) has contravened any provision of this Act or the Regulations, *or Code of Practice* in circumstances that make it likely that the contravention will continue or will be repeated.

(2) A notice of contravention shall cite the contravened provision of this Act or the Regulations *or Code of Practice*, state the reasons for the officer's ~~opinion~~ *decision* and require the *employer, contractor, owner or supplier* ~~person~~ to remedy the contravention within a specific period *of time*.

**Section of the Act:** 31 Directions to remedy contravention

**Recommendation for Change:** Change “may” to “shall”

**Section of the Act:** 33 Contravention involving risk to health or safety

**Recommendation for Change:**

33(1) Where an occupational health officer ~~is of the opinion~~ *has determined* that a contravention of this Act or the Regulations *or a Code of Practice* involves or ~~may~~ *could* involve a serious risk to the health or safety of a worker, *or group of workers*, 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 *or by an Adjudicator's ruling.*

(2) Change “may” to “shall” on line 4.

**Section of the Act:** 34 Copy of notice of contravention

**Recommendation for Change:**

34 Where an occupational health officer serves a notice of contravention on any *employer, contractor, owner, supplier or person*, the occupational health officer shall:

- (a) where there is an occupational health *and safety* committee or an occupational health and safety representative at the place of employment with respect to which the notice of contravention applies, provide the occupational health *and safety* committee or the occupational health and safety representative, *and the employer, workers, and the trade union(s) that represent the workers*, with a copy of the notice of contravention; or
- (b) where there is no occupational health *and safety* committee or occupational health and safety representative at the place of employment with respect to which the notice of contravention applies post a copy of the notice of contravention in ~~conspicuous~~ *accessible locations* at that place of employment, *and provide the workers, and the trade union(s) representing the workers with a copy;*
- (c) *when a contravention occurs all similar workplaces shall be notified;*
- (d) *all contraventions shall be published in a Division publication and/or on the Division website.*

**Section of the Act:** 35 Progress Report

**Recommendation for Change:**

35 ~~Within~~ seven days ~~after~~ *prior to* the end of the period specified in a notice of contravention within which a contravention is to be remedied, the *employer, contractor, owner, or supplier or person* on whom the notice is served:

- (a) shall
  - (i) provide the occupational health *and safety* committee or occupational health and safety representative, *the workers, and the trade union(s) representing the workers*, at the place of employment with respect to which the

notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of the Act or Regulations *or Code of Practice* that is stated in the notice of contravention; or

(ii) where no occupational health *and safety* committee or occupational health and safety representative exists at the place of employment with respect to which the notice of contravention applies, post in ~~a conspicuous location~~ *accessible locations* at the place of employment a written report of the progress that has been made towards remedying each contravention of the Act or Regulations *or Code of Practice* that is stated in the notice of contravention, *and provide a copy of the written report to the workers and the trade union(s) representing the workers*, and

(b) shall provide the occupational health officer who issued the notice of contravention with a written report of the progress that has been made towards remedying each contravention of the Act or the Regulations *or Code of Practice* that is stated in the notice of contravention.

**Section of the Act:** 36 Reassignment to alternate work

**Recommendation for Change:**

36 Where an occupational health officer has served on an employer, *contractor, owner or supplier* a notice of contravention that includes a requirement mentioned in section 33, the employer shall assign his or her workers, who are no longer able to work at a worksite with respect to which the notice of contravention applies, to alternate work, without loss of pay, until the workers are permitted by an occupational health officer, *or Adjudicator's ruling*, to resume their work at the worksite.

**Rationale:** Notices of contravention have to be mandatory and begin the first steps for penalty assessments and/or criminal prosecution. Compliance assurance, voluntary compliance should not be an option for employers. Officers should be giving clear direction on what is required to remedy the situation. To ensure that there is full disclosure by employers and the officer to all parties involved or potentially involved.

## **PART VI**

### **Workplace Hazardous Materials Information System**

**Section of the Act:** 39 – 43

**Issue:** Does not do an adequate job in protecting workers from known or suspected carcinogens. MSDS sheets are both inaccurate and incomplete. Task team needs to be established to look at changes and/or improvements in the Act and Regulations.

**Recommendation for Change:** Ensure minimum exposures and accurate reporting of hazardous chemicals, known and suspected carcinogens and biological substances. Tables 19, 20 and 21 must be updated. English as a second language needs to be addressed. **Carcinogens must be removed from the workplace there are no safe exposure limits.**

**Rationale:** Education, awareness, elimination of hazardous substances, enforcement and maximum protection of workers while in the course of employment.

**PART VII**  
**Regulations and Codes of Practice**

**Section of the Act: 44 Regulations**

**Issue:** Needs to be updated to include the provisions for making regulations to deal with the injuries and diseases created by the current work processes and workplaces.

**Recommendation for Change: 44(1)**

- (d) regulating or prohibiting the manufacture, supply, storage, keeping or use of any *known or suspected carcinogen*, biological or chemical substance or any plant and the carrying on of any process, procedure or undertaking.
- (i) where necessary to ensure the health and safety of workers, regulating the employment of or requiring the provision of alternate work for:
  - (i) any worker sensitized to any *odor, including but not limited to scent*, any biological or chemical substance in the place of employment;
  - (ii) any pregnant worker; or
  - (iii) any other person;
- (m) requiring the making of arrangement to:
  - (i) monitor the atmospheric or other conditions in which persons work;
  - (ii) determine and record the exposures of workers to *known or suspected carcinogens, infectious diseases*, chemical or biological substances, processes or physical agents at the place of employment; or
  - (iii) provide for the registration of workers exposed to *any known or suspected carcinogen, infectious diseases*, chemical or biological substance, processes or physical agents at the place of employment;
- (y) (iv) records of worker exposure to *known or suspected carcinogens, infectious diseases*, chemical or biological substances, process or physical agent at the place of employment;

(jj) ~~prescribing places of employment or classes of places of employment at which an employer is required~~ *prescribe measures that employers must take to develop and implement a policy statement and prevention program with respect to potentially violent situations and prescribing provisions that must be incorporated in the policy statement and prevention program;*

## **NEW**

(qq) *prescribe measures that employers must take to develop and implement a policy statement and prevention program with respect to situations of harassment and psychological abuse. Prescribe provisions that must be incorporated in the policy statement and prevention program;*

(rr) *requiring additional protection for Health Care workers; Correctional workers, and workers in the Meat Packing Industry;*

(ss) *prescribe measures that employers must take to develop and implement a policy statement and prevention program(s) with respect to the following hazards: Workload, Shiftwork, Working Alone, Needlestick Injuries, Scent free environment, and Exposure to known or suspected carcinogens, and infectious material and organisms. Prescribe provisions that must be incorporated in the policy statement and prevention program;*

**Rationale:** Will add provisions for the Minister to implement new regulations and for the officers to enforce.

### **Section of the Act: 45 Codes of Practice**

**Issue:** Codes of Practice were used to weaken the regulations agreed to by Employers and Labour organizations during the last review of the Act and Regulations.

### **Recommendation for Change:**

45(1) ~~For the purpose of providing practical guidance with respect to the requirements of any provision of the regulations, the director may, after any consultation with interested persons or associations that the director considers advisable:~~

———(a)——— ~~issue codes of practice~~

~~———— (b) ——— amend or repeal any code of practice issued pursuant to clause (a)~~

45(1) *The Lieutenant Governor in Council may make Codes of Practice*

(2) Where a code of practice is issued, amended or repealed, ~~the director shall publish a notice shall be published in the Saskatchewan Gazette~~ identifying the code of practice, specifying the provisions of the *Act and Regulations* to which it ~~relates is incorporated~~ and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by *an employer, contractor, owner, supplier or person* to observe any provision of a code of practice ~~is not of itself an offence~~ shall be considered an offence.

(4) Delete

(5) Delete

Repeat (2) from section 44 Regulations.

**Rationale:** Added to the law to ensure greater protection for workers and enforcement.

#### **Section of the Act:** 46 Exemptions

**Issue:** Exemptions are being used by employers who do not want to comply with the Act and Regulations and who claim that it is not reasonably practicable to comply, they are also used when a Regulation is outdated or portions of the regulation not relevant to a specific worksite. The Director has complete control over the exemptions given.

**Recommendation for Change:** Delete Section 46.

**Rationale:** Forces employers to comply and the necessary changes to be made to outdated or incomplete regulations. Takes the decision making power from one individual who may be lobbied by employers and/or directed by Government.

## PART VIII

### Appeals

#### Section of the Act: 47 through 56

**Issue:** Consistency with other sections. Communication needs to be improved between the Division, the workers and the union rather than only communicating with the employers. There was some concern regarding the adjudicator's decision being final and binding, the Council should discuss whether there need to be another level of appeal or a more independent appeal process.

#### Recommendation for Change:

47 (a) Delete "the granting of an exemption;"

49(1) A person, *or the trade union(s) representing a worker* who is directly affected by a decision of an occupational health officer may, within ~~24~~ 30 days after the date of the decision, appeal the decision to the director by notice in writing.

(2) On an appeal pursuant to subsection (1), the director shall:

(a) *set a time, day and place for the hearing of the appeal; and*

(b) *give written notice of the time, day and place for the hearing to:*

(i) *the appellant;*

(ii) *each person mentioned in clause 51(1) (c); and*

(iii) *any other person that the director considers should be given notice.*

~~(a)~~(c) *affirm, amend or cancel the decision appealed against; and*

~~(b)~~(d) *provide written reasons for the decision made pursuant to clause (c)*

(e) *inform the appellant in writing of their right to appeal the director's decision to an Adjudicator.*

50(1) A person, *or trade union representing a worker* who is directly effected by a decision of the director may appeal the decision to an adjudicator in accordance with subsection (2) within ~~24~~ 30 days after the date of the decision.

55(1) (a) the worker, *or the trade union(s) representing the worker* commences an appeal on the basis of a decision made by an occupational health officer pursuant to subsection 25(2);

**Rationale:** Increased timelines will give the opportunity for workers and unions to appeal. Better communication with workers and unions. Allows the union to appeal on behalf of members who fear repercussions at the place of employment.

## **PART IX**

### **Offences and Penalties**

#### **Section of the Act: 57 through 63 Offenses and Penalties**

**Issue:** Consistency with other changes. There is a need for greater penalties and fines to deter violations of the Act, Regulations and Codes of Practice.

**Recommendation for Change:**

57 (b) contravenes a regulation or code of practice;

New *“Where a corporation is guilty of an offence mentioned in section 57, every officer, director, manager or agent of the corporation who directed, authorized, participated in, or had knowledge of the offence, or commission of the offence, is also guilty of the offence and is liable on summary conviction to the penalties for the offence that are set out in section 58 whether or not the corporation has been prosecuted.”*

## **Recommendation for Change: 58 Penalties**

New section required to implement penalty assessments allowing the Workers Compensation Board to assess a penalty against employers, contractors, owners or suppliers who do not comply. Fines should not have to go through the Department of Justice. For any serious offences or fatalities the criminal code (C45) should be used.

- 58(1) Change \$2,000.00 *to a minimum fine of \$5,000.00*
- (2) (a) ~~to a fine not exceeding \$5,000.00.~~ *to a minimum fine of \$5,000.00*
  - (b) ~~to a further fine not exceeding~~ *minimum fine of \$500.00* for each day or portion of a day during which the offence continues.
- (4) (a) (i) from \$10,000.00 *to a minimum fine of \$20,000.00*
  - (ii) (A) from \$10,000.00 *to a minimum fine of \$50,000.00*
    - (B) from \$1,000.00 *to a minimum fine of \$5,000.00* per day or portion of day
- (b) (i) from \$20,000.00 *to a minimum fine of \$40,000.00*
  - (ii) (A) from \$20,000.00 *to a minimum fine of \$100,000.00*
    - (B) from \$2,000.00 *to a minimum fine of \$10,000.00* per day or portion of day
- (6) (a) (i) from \$50,000.00 *to a minimum fine of \$500,000.00*
  - (ii) (A) from \$50,000.00 *to a minimum fine of \$500,000.00*
    - (B) from \$5,000.00 *to a minimum fine of \$50,000* per day or portion of day
- (b) (i) from \$100,000.00 *to a minimum fine of 1 million dollars*
  - (ii) from \$10,000.00 *to a minimum fine of \$100,000.00* per day or portion of day
- (7) from \$300,000.00 *to 3 million dollars and criminal conviction under the Criminal Code of Canada.*
- (8) Change “imprisoned for a term not exceeding two years” to “imprisoned for a term not exceeding 25 years”.

**Section of the Act:** 60 through 67 Offences by corporations, etc.

**Recommendation for Change:** Ensure this section is consistent with the Criminal Code of Canada (C45).

**Rationale:** Responsibility on those in the corporate structure that have knowledge of an offense or commission an offence. Prevention of injuries, disease and death amongst workers. Stiffer penalties for employers, contractors and owners who do not comply with the law. Making the employers accountable through the Criminal Code of Canada.

## **PART XI**

### **Administration**

**Section of the Act:** 68 through 79

**Issue:** Needs stronger language and clearer mandate

**Recommendation for Change:** Functions of the division

69 (a) Delete “reasonable”

**Recommendation for Change:** Powers of division

70 The division ~~may~~ *shall*, subject to the direction of the minister:

(a) provide assistance to persons concerned with occupational health and safety and provide services to assist occupational health *and safety* committees, occupational health and safety representatives, employers, workers, *trade unions representing workers*, and self-employed persons in maintaining reasonable standards for the protection of the health and safety of workers and self-employed persons;

(c) ~~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;

**Recommendation for Change:** Appointment of occupational health officers

71(1) The minister may appoint as occupational health officers any of the persons employed by ~~or providing services to~~ the division, *as per the current union Collective Agreement in place.*

71(4) *The Minister, in consultation with, and upon recommendation from, the Provincial Occupational Health and Safety Council, shall review Occupational Health Officer's staffing levels of the Division every 2 years, in order to ensure compliance, inspections and enforcement of the Act, Regulations and Codes of Practice.*

Renumber as required.

**Recommendation for Change:** 72 Inspections, investigation, search

72(1) For the purpose of enforcing and administering this Act or the regulations, *or a code of practice* an occupational health officer ~~may~~ shall:

(5) An occupational health officer with a warrant issued pursuant to sub-section (4) ~~may~~ shall:

**Recommendation for Change:** 73 Obtaining information. Change the “may” on lines two and five to “shall”.

**Rationale:** To ensure the Division's role is one that administers the Act, regulations and codes of practice in a fair and equitable manner and to prevent the hiring of contractors, contracting out, and/or privatization of education, training and enforcement.

**Section of the Act:** 74 Duties of the Occupational Health and Safety Council

**Issue:** The Council should meet a minimum number of times per year.

**Recommendation for Change:**

75(1) The Occupational Health and Safety Council shall meet at the call of the minister or the chairperson but in any case at least ~~one~~ *four times* in each year.

**Rationale:** To prevent the Minister of Labour, Governmental administration or the Division from limiting the number of meetings.

**Section of the Act:** 79 Chief occupational medical officer

**Issue:** When the Chief Occupational Medical Officer does not have workplace experience their technical and research background does not allow for a full understanding of the work environment and the work related injuries and disease.

**Recommendation for Change:** The minister shall appoint as chief occupational medical officer a physician who has training ~~or~~ *and workplace* experience in occupational health.

**Rationale:** To ensure competency in work related injury and disease to prevent injury and disease in workers.

**Section of the Act: NEW - Occupational Health and Safety Centre**

**Issue:** For many years and through many Committee of Reviews the Saskatchewan Federation of Labour has been advocating for a Worker's Occupational Health and Safety Centre. Labour controlled Centers are a valuable resource in research, identification and prevention of worker occupational health and safety illness, disease and injuries.

The Clinic at the University of Saskatchewan does not meet the requirements of a Worker's Health Centre. It is research based and there is no practical application to workers from their activities and programs.

**Recommendation:** That a Worker's Centre be established under the parameters of the Pat Bell Report and utilizing a combination of the Manitoba and Ontario Clinic models.

**Rationale:** A resource for workers to obtain information related to their injury and disease and receive medical treatment and advice. The Centre would meet the need around initiating research into occupational injury, illness and disease and to employ qualified and competent doctors, nurses, ergonomists, hygenists and others trained in prevention and occupational medicine.

## PART XII

### General

#### **Section of the Act:** 80 Act binds the Crown

**Issue:** Political interference by the Department of Labour or other Government representatives or departments, especially concerning but not limited to contraventions and work related refusals within Executive Government and Government funded programs (e.g., Corrections, Health Care, etc.).

#### **Recommendation for change:**

*Add to 80 “and it shall be an offence for the Crown in right of Saskatchewan or in right of Canada to interfere with the enforcement of this Act, regulations and codes of practice.”*

**Rationale:** Legislation is needed to disallow, with specified consequences, political interference with the Department of Labour by any other government representative or department; especially concerning but not limited to contraventions and work refusals.

#### **Section of the Act:** 82 Cost of administration of industrial safety program

**Issue:** Is this the operation of the Division? If so it needs to say so.

**Recommendation for Change:** The cost of administration must not, under any circumstances, be dictated by the Treasury Board and/or the Regulatory Code of Conduct (1993). The wording must be changed to be “independent of the Treasury Board”.

**Rationale:** To ensure adequate resources for full enforcement of the Act, Regulations and Codes of Practice. Unfortunately the comparison has to be made again regarding enforcement in the Ocean and Fisheries area (even on the Prairies), and the Conservation area. There are

stronger penalties and far more resources for enforcement. This analysis should be done and the health, safety and lives of workers given the same priority.

**Section of the Act:** 86 Director's decision to be posted

**Issue:** Consistency with other changes.

**Recommendation for Change:**

86(1) The director shall cause the following documents to be posted in ~~at least two~~ ~~conspicuous~~ accessible 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 suspension of a decision:

- (a) a notice of ~~any exemption~~ granted by the director pursuant to sub-section ~~10(2)~~ ~~or section 46~~ 10(1);

**Section of the Act:** 87 Promptness of decisions

**Issue:** Consistency with other changes

**Recommendation for Change:** Delete "reasonably" on the last line.

**Rationale:** Consistency to expedite the process.

## **CHANGES TO THE OCCUPATIONAL HEALTH AND SAFETY REGULATIONS**

Upon reviewing the Regulations the same concepts identified under the Act are also recommended for the regulations. Specifically, to enhance the protection of workers, strengthen the role of the Joint Occupational Health and Safety Committee, and eliminate the hazards now present in the workplace.

Rather than repeating the issues and rationale from the Act in this section they will only be identified if not previously dealt with.

Specific to all sections are the following:

1. The deletion of “reasonably practicable”.
2. Changing “may” to “shall” throughout.
3. Change “authorized and competent” to “qualified and competent”
4. Add in “Codes of Practice” wherever the Act and regulations are referenced.
5. Change “employer or contractor in consultation with the committee ...” to “the committee shall in consultation with the employer, contractor and trade union representing the workers ....”
6. Change “Occupational Health Committee” to “Occupational Health and Safety Committee”.

Where Task Teams are recommended it is with the understanding that each team shall be appointed by the Council, and that their work will be unbiased and not limited by costs to the employer, the Regulatory Code of Conduct, or by Division mandate and policy.

**PART I**  
**Preliminary Matters**

**Interpretation**

(2) Clarify (c) (i) “approved”. Delete if the only application is to “approved training agency”.

**Move:** (l) “competent”; (m) “competent worker”; and (eee) “train” to the Act

**Delete:** (r) “dBA L<sub>ex</sub>”

**Section of the Regulation: 3 These regulations prevail**

Section 3 was repealed 16<sup>th</sup> May 2003. What was the rationale for the deletion?

**Section of the Regulation: 5 Generality of duties not limited**

Sections (1) through (7) need to be clarified as there is a lot of confusion around the ultimate responsibility being placed upon the employer when they contract out the work and others do not meet their obligations under the Act and Regulations.

**PART II**  
**Notice Requirements**

**Section of the Regulation: 7 New operations**

7(1) Delete: “As soon as is reasonably possible”

(a) Change “10” to “5”

**Section of the Regulation: 8 Accidents causing serious bodily harm**

Delete: Accidents ~~causing serious bodily injury~~

8(1) An employer or contractor shall give notice to the division ~~as soon as is reasonably practicable~~ *of immediately after* 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 *seek medical attention* ~~be admitted to a hospital in-patients for a period of 72 hours or more.~~

(3) An employer or contractor shall provide ~~each co-chairperson~~ *the occupational committee member(s)* or the representative with a copy of the notice required by subsection (1) *and record such notice on the Minutes for posting.*

### **Section of the Regulation: 9 Dangerous Occurrence**

9(1) Change the last line to read “subsection 8(1), and includes *but is not limited to:*”

- Add:
- (i) violent incident
  - (j) personal harassment
  - (k) needlestick injury

### **Section of the Regulation: 10 Medical information**

Delete: 10(2) “A physician ..... Occurred”

## **PART III**

### **General Duties**

### **Section of the Regulation: 12 General Duties of employers**

12 The duties of an employer at a place of employment include:

- (a) Delete: “~~reasonably practicable~~”
- (b) Delete: “~~in a manner~~”
- (c) Delete: “~~that is necessary~~”

### **Section of the Regulation: 14 Employment of young persons**

14(1) Change “16” to “18”. Combine (1) and (2)

Add: a provision to ensure that places of employment are not limited to the list.

Add: a provision to add workplaces that have a high level of injuries and/or disease.

**Section of the Regulation: 15 Duty of employer or contractor to provide information**

- 15 (b) Add: bulletin board(s) *accessible to all workers...*

**Section of the Regulation: 17 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~~ *complete training and* 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 *and codes of practice* 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 *when there is no other means of elimination or control*;
  - (v) *all* emergency procedures ~~required by these regulations~~;
  - (vi) *all* ~~any~~ other matters that are necessary to ensure the health and safety of workers under their direction; and
- (c) & (2) Add: codes of practice.

**Section of the Regulation: 18 Duty to inform workers**

18 *Prior to the commencement of employment* an employer shall ensure that each worker:

- (a) is ~~informed of~~ *trained* in the provisions of the Act, ~~and any~~ regulations, *and codes of practice* 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 *and codes of practice*.

### **Section of the Regulation: 19 Training of workers**

19(1) An employer shall *provide training in a worker's first language and shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when prior to the worker:*

- (a) ~~begin~~ *beginning* work at a place of employment;
  - (b) ~~is moved~~ *moving* from one work activity or worksite to another that differs with respect to hazards, facilities or procedures.
- (2) No change

### **Section of the Regulation: 22 Occupational health and safety program**

**Delete:** (2) "On and after January 1<sup>st</sup>, 1998 .... Section 13 of the Act"

(3) An employer ~~at a place of employment mentioned in subsection (2)~~ shall establish and occupational health and safety program that meets the requirements of subsection (1).

**Delete** (a) through (c).

### **Section of the Regulation: 23 Examination of plant**

- (a) Delete: "~~to the extent that it is reasonably practicable~~"
- (b) Delete: "~~as soon as is reasonably practicable~~".

### **Section of the Regulation: 25 Maintenance and Repair of Equipment**

(2)(c) *if defect is safety related, equipment should be removed from service until the defect is corrected.*

**Section of the Regulation: 28 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 *prior to the Committee meeting* ~~and employer~~.

(2) Add: “codes of practice”

(a) take immediate steps to protect the health and safety of ~~any every~~ worker ~~who may be at risk~~ until the unsafe condition is corrected or the contravention is remedied;

(b) ~~as soon as possible~~, take ~~suitable~~ *immediate* actions to correct the unsafe condition or remedy the contravention; and

(c) inform the committee *members* or the representative *and the trade union(s) representing the workers*, in writing of:

(i) and (ii) No change

**Section of the Regulation: 29 Investigation of ~~certain~~ accidents**

29(1) Subject to section 30, an employer shall ensure that every accident *is investigated immediately* ~~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~~ an occupational health and safety officer.

(2) After the investigation of an accident, ~~an employer~~, *the committee members or representative* in consultation with the *employer* ~~co-chairpersons or their designates, or with the representative~~, shall prepare a written report that includes *but is not limited to*:

(a) through (e) No change.

**Section of the Regulation: 31 Investigation of dangerous occurrences**

31(1) An employer, contractor or owner shall ensure that every dangerous occurrence described in subsection 9(1) is investigated *immediately* ~~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 not committee or representative, ~~the employer, contractor or owner~~ *an occupational health and safety officer.*
- (2) After the investigation of an accident, ~~an employer,~~ *the committee members or representative* in consultation with the *employer, contractor or owner, co-chairpersons or their designates, or with the representative,* shall prepare a written report that includes *but is not limited to:*
- (a) through (e) No change.

**Section of the Regulation: 32 Injuries requiring medical treatment**

- 32 An employer or contractor shall report to the ~~co-chairpersons,~~ *occupational health and safety committee,* 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 occupational health and safety committee,* 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.

**Section of the Regulation: 35 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, and 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) shall include *but not be limited to:*

- (a) the establishment of an effective ~~communication~~ system, *at no cost to the employee* that consists of, *but is not limited to*:
  - (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:~~
  - (v) regular contact by the employer or contractor with the worker working alone or at an isolated place of employment;
  - (vi) limitations on, or prohibitions of, specified activities
  - (vii) ~~establishment of minimum~~ training or experiences, or other standards of competency;
  - (viii) provision of personal protective equipment;
  - (ix) ~~establishment of~~ safe work practices and procedures
  - (x) provision of *first aid kits, clothing, footwear, and* emergency supplies for use in traveling under conditions of extreme cold or other inclement weather conditions.

### **Section of the Regulation: 36 Harassment**

**Issue:** Personal harassment has become the new workplace epidemic. Cutbacks, workload concerns and behavioral based safety programs are pitting worker against worker, manager against manager, and manager against worker.

Verbal and psychological abuse can lead to suicides, beatings and/or physical injury. It is essential to protect workers from psychological abuse in the workplace, and to prevent injury, disease, and permanent disability, which will inevitably increase health and compensation costs. Psychological abuse affects not only the victim, other workers exposed to the behavior are also seriously affected. The behavior is often promoted and supported by management as a means of intimidation and favoritism in the workplace.

**Recommendation for change:**

- Expand to meet the changes proposed for the Act under Duties and Harassment policy.
- Include personal harassment/psychological harassment, or create a new Section
- Bring the guideline and codes of practice into the Regulation
- Include an investigation process and accountability
- Include a penalty for non-compliance.

**Rationale:** To establish legislation which will prevent all forms of harassment in the workplace and penalize those who do not comply. This section needs to be completely re-written and it currently does nothing to ensure the health and safety of workers when it comes to any form of harassment in the workplace.

**Section of the Regulation: 37 Violence**

**Issue:** Although “violence” has been in the Act for over 10 years workers continue to identify a substantial increase in both the severity and number of violent incidents within both public and private sector workplaces.

**Recommendation for Change:**

Delete: 37(2) All places of employer must be covered by a Violence policy.

(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;~~

(g) the procedure the employer will follow to document and *immediately* investigate a *potential or actual* violent incident reported pursuant to clause (f);

(i) ~~the employer’s commitment to~~ provide a training program for workers that includes, *but is not limited to:*

(iii) Delete “~~minimize or~~”

(iv) *Disclosure of vital information to protect the health and safety of workers against patients/residents/ clients who are known by the Employer to be violent.*

**Rationale:** Strengthen this regulation to ensure a worker’s right to refuse and the laying of criminal charges against the aggressor(s).

## **PART IV**

### **Committee and Representatives**

**Issue:** Joint committees are not functioning. The committees and the representative have no legal authority to make change in the workplace in order to protect the health, safety and wellbeing of workers in the workplace.

#### **Recommendation for change:**

**Section of the Regulation: 38** Committees at construction sites.

Change “10” to “5”

#### **Section of the Regulation: 39 Designation of committee members**

39(1) An employer or contractor who is required to establish a committee shall:

- (a) in designating the members as per section 15 of the Act:
  - (i) select persons to represent the employer or contractor on the committee *who have decision making authority and a commitment to the health and safety of workers at the workplace;*
  - (ii) ensure that there is a sufficient number of members, *excluding supervisors*, representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns;
- (b) designate members for a term not exceeding three years, and
- (c) *ensure that each facility/agency/site has a functioning committee*

(2) Members of the committee hold office until a successor is designated *as per the Act*, and may be re-designated for a second or subsequent term.

#### **Section of the Regulation: 40 Quorum and certain votes**

- (3) Decisions of a committee with respect to refusals to work pursuant to section 23 of the Act must be by ~~unanimous~~ *a majority* vote of members of the committee who are present.

**Section of the Regulation: 41 Frequency of meetings**

- 41(1) (b) hold ~~three~~ subsequent meetings at intervals not exceeding one month.  
(c) Delete.

**Section of the Regulation: 42 Minutes**

- 42 Add:  
(d) *send a copy of the minutes to the trade union(s) representing the workers, and the employer.*

**Section of the Regulation: 43 ~~Co-chairpersons~~ Meetings of Committee**

Change: “~~co-chairpersons~~” to “*committee members*” throughout.

- (3) Add: “...committee. *On work time and without loss of pay or benefits.*”  
(5) *Where the discharge of the committee members duties cannot be performed during normal working hours, the duties performed on days off shall be considered time worked without loss of pay or benefits. Under no circumstances will a worker be discriminated against pursuant to section 27 of the Act while performing these duties.*  
(6) *To ensure the health, safety and well-being of all workers, the employer shall replace the committee member for their work related duties, allowing them to be supernumerary while discharging their duties pursuant to the Act, regulations and codes of practice.*

**Section of the Regulation: 45 Designation of representative**

Make this section consistent with Section 39 Designation of committee members.

**Section of the Regulation: 46 Training of representatives, committee members**

- 46(2) Change “co-chairperson” to “committee members”.

- (3) ~~Where a member of a committee or a representative gives reasonable notice,~~ an employer or contractor shall permit ~~the~~ *committee* members or representative to take *employer paid* 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 without loss benefits.

**Section of the Regulation: 47 Meetings of employers and representatives**

**Recommendation for change:** Make this section consistent with Section 43 Meetings of Committee

**Section of the Regulation: 49 Meetings called by officer**

49 “An officer ~~may~~*shall* ....”

**PART V**

**First Aid**

**Section of the Regulation: 50 Interpretation**

**Issue:** Employers are using the following provisions to reduce their responsibility under the regulations. Workers who work in close proximity to a health facility, or even in a health facility are not always protected.

**Recommendation for change:**

- 50 (b) “close”, Change “30 minutes” to “10 minutes” here and in 61(2)(a)  
(d) Delete: “high-hazard work” and Table 8.  
(g) Delete: “low-hazard work”

**Rationale:** Every work site should be treated as high hazard and be fully equipped with first aid equipment, access to a health facility, and fully trained workers.

**PART VI**  
**General Health Requirements**

**Section of the Regulation: 64 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) (c) and (2) No change.

**Section of the Regulation: 65 Ventilation and air supply**

**Issue:** Moulds, dust, infectious bacteria and viruses as well as a myriad of other noxious substances are present in many of the worksites. The ventilation system must be adequate to allow for constant access to fresh air.

**Recommendation for change:**

65 (b) **Delete:** “~~to the extent that is reasonably practicable,~~”

That there be mandatory inspections on a regular basis, and regulations implemented that force compliance to either fix or close “sick” buildings.

**Rationale:** The elimination of bacteria, viruses and toxins in the workplace.

**Section of the Regulation: 66 Mechanical ventilation**

66(4)(b) and (6) **Delete:** “~~where reasonably practicable~~”.

### **Section of the Regulation: 69 Lighting**

**Issue:** Concern was raised regarding the use of artificial light rather than natural light.

**Recommendation for change:** That the employer must use lighting that is the closest to natural light if it is impossible to use natural light. That the health effects of being in artificial lighting be identified and workers experiencing problems be allowed alternate employment.

### **Section of the Regulation:70 Thermal Conditions**

70(1)(c)Delete: “reasonable”

(3)(b) Delete: “reasonable”

(4)(f) the use of limited work schedules with rest periods, changes in workloads, changes in hours or other arrangements for work *when the worker determines that the work can no longer be performed.*

(g) frequent observations of workers by a person who is trained to recognize the symptoms of physiological stress resulting from extreme temperatures:

(i) *all workers shall be supplied with the names of persons trained to recognize the symptoms of physiological stress resulting from extreme temperatures;*

(ii) *all workers who work alone or in an isolated location shall be trained in recognizing the symptoms of physiological stress resulting from extreme temperatures;*

(iii) *all workers working alone shall be provided with the names and contact numbers to call in emergency situations; and*

(iv) *all workers shall be educated on the prevention of physiological stress resulting from extreme temperatures.*

(5) Add: “...an employer or contractor shall provide *at the employers expense*, and require the worker to use, any clothing .....

**Section of the Regulation: 71 Toilet facilities**

71(1) (a) are provided at a place of employment, *including the worksite where the work is being performed*, maintained and kept clean.

**Section of the Regulation: 73 Clothing**

73(3) (a) provide protective clothing, *footwear*, and head cover appropriate to the work and hazard, *at no cost to the worker*;

**Section of the Regulation: 75 Eating areas**

75(1) An employer, contractor or owner shall provide ~~sufficient, suitable~~ *fully equipped eating* areas that are kept clean, dry, thermally comfortable and ~~reasonably~~ quiet for workers to eat and drink during work breaks.

**Section of the Regulation: 76 Drinking water**

76(2) (a) provide *a continuous supply of* drinking water in suitable containers;

**Section of the Regulation: 77 Smoking**

77(5) Change “~~in consultation with the committee, may~~” to “*shall*”

(a) Change “~~minimize~~” to “*eliminated*”

(6) Where a place of employment is an institution, a public place or a private dwelling, an employer, contractor or owner shall:

(a) ~~restrict worker exposure to second hand tobacco smoke to the extent that is possible; and~~ *provide a smoke free environment*,

(b) inform workers of the risk to workers’ health from second-hand smoke,

(c) *inform public, clients, inhabitants of a private dwelling that workers have a right to a smoke free environment while working, and*

(d) *implement no penalties, or discriminate against workers who refuse to work in an environment of second-hand smoke.*

**Section of the Regulation: 78 Lifting and handling loads**

- 78(1) Delete “where reasonably practicable”
- (2) Delete “Where the use of equipment is not reasonably practicable”
- (3) No change
- (4) No change

**Section of the Regulation: 79 Standing**

- 79(3) *Where workers are required to stand for long periods in the course of their work, the employer or contractor shall supply adequate space, ergonomic design, rest breaks, and a healthy and safe pace of work.*
- (4) *Where workers are required to stand for long periods of time or where wet processes are used, the employer or contractor shall inform the workers of the health and safety hazards associated with prolonged standing, and take steps to eliminate these hazards.*

**Section of the Regulation: 80 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 *the use of workers* ~~their use~~ appropriate seating to enable the workers to sit.

**Section of the Regulation: 81 ~~Musculoskeletal~~ Ergonomic injuries**

81(2) *The committee shall, in consultation with an ~~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~~ ergonomic injuries.*

(3) Where a risk of ~~musculoskeletal~~ ergonomic 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-ergonomic~~ injury associated with that worker's work; and

(b) provide effective protection for each worker ~~who may be at risk,~~ which *shall* ~~may~~ included *but not be limited to* any of the following:

(i) (ii) and (iii) No change

(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) No change

(6) *An officer shall be empowered to mandate the employer to establish an Ergonomics Committee at the worksite.*

**Section of the Regulation: 82 Shiftwork**

**Issue:** Shiftwork has major implications for the health and safety of workers.

**Recommendation for change:** That a task team be established to develop a regulation that meets the needs of workers in this area. The Saskatchewan Federation of Labour Shiftwork Committee has submitted two documents for the review (Appendix A)

## **Section of the Regulation: 85 Exposure to infectious materials, organisms**

**Issue:** This is an area that needs to be strengthened and updated with current science. Table 14 needs to be updated.

### **Recommendation for change:**

85(2) (j) *Disclosure of vital information to protect the health and safety of workers where patients/residents/clients have a known infectious disease.*

85(5) (c) with the worker's consent, arrange for a worker to receive any vaccination *and/or prophylactic treatment* recommended ...

(d) where a worker cannot receive a vaccination *or prophylactic treatment* during normal working hours ...

That a Task Team be established to deal with Section 85, table 14.

## **Section of the Regulation: NEW "Needlestick Injuries"**

**Issue:** Both public and private sector workers are being exposed to needlestick injuries. The inappropriate disposal of sharps continues to be of major concern in all sectors. In health care workers report that needles are left "stuck into the mattress" left on windowsills, or thrown into the laundry baskets. Municipal workers are exposed while working in parks, swimming pools, and garbage sites, education workers and custodial workers in all sectors face the risk of needlestick injuries. Corrections workers have also experienced numerous injuries.

One death was reported in 2004 caused by a needlestick injury which resulted in HIV/AIDS. Many workers have contracted Hepatitis B or C.

**Recommendation:**

- Implementation of the mandatory use of safety-engineered devices in all workplaces to eliminate exposures.
- Written exposure control plans with comprehensive sharps log and ongoing reviews
- Post-exposure protocol to be implemented
- Training and education programs for all workers identifying the risk, symptoms, and the required medical treatment should an injury occur.
- Penalty for improper disposal and misuse.

That a “new” Task Team be established. Sample language is identified under PART XXXI.

**Rationale:** Protection of workers from exposure to HIV, Hepatitis B and C, and any other blood borne pathogen.

**Section of the Regulation: NEW “Scent Free Environment”**

**Issue:** Not all worksites have a fragrance-free or scent-free policy. Workers are already sensitized through the overuse of chemicals in the workplace and are experiencing allergic reactions to fragrances and scents.

**Recommendation:**

- That Joint Occupational Health and Safety Committees develop and the employer implement a scent-free workplace policy.
- Elimination of scented cleaning products
- signage to inform the public, customers and clients that fragrance/scent is not permitted in the building.
- Alternate employment for sensitized workers.

**Rationale:** To eliminate fragrances and scents from the workplace. Some of which contain toxins. At least one perfume was found to contain a carcinogen when tested.

### **Section of the Regulation: NEW “Workload”**

**Issue:** Workload has become a growing concern amongst organized and unorganized workers in the province of Saskatchewan. It could be said that workload is a product of the global economy working us faster, with less, for less. The following workload survey and concerns were raised at the 1999 Saskatchewan Federation of Labour Occupational Health and Safety Conference. It would be fair to say that the problem has multiplied significantly since that time.

#### Demography (Questions 1 – 5)

The information collected from 85.6% of the conference participants indicates that the male respondents to the survey were predominantly working for private sector employers, and the female respondents working for public sector employers. The respondents were primarily full-time employees (85%) and long-term employees with more than 10 years of service (29.9%), and more than 20 years of service (23.3%). This indicates there is a gap in the data with respect to young workers, part-time and casual workers. Shifts worked by the respondents were anywhere from 3 hours in length to more than 12 hours. The majority (85%) were working 8 hour shifts.

#### Staffing Levels (Questions 6 – 13)

- 43% indicated that staffing levels had decreased in the past five years
- Working through coffee breaks (34.3%), lunch breaks (24.8%)
- Approximately 35% worked extra unpaid time in order to get the work done
- No replacement for sick leave (71%)

### Health (Questions 14 – 18)

Respondents (62.7%) reported that sick leave had increased over the last 5 years. The seven most common health symptoms “sometimes” experienced were: headaches/migraines (65%), feeling run down (56.2%), muscle or joint pains (53.2%), Exhaustion (51.1%), changes in appetite (47.4%), Anxiety (45.2%), and sleeping difficulties (45.2%).

The following symptoms were “often” experienced: muscle or joint pains (38%), feeling run down (34.3%), sleeping difficulties (26.2%), Exhaustion (21.2%), indigestion (16.8%) and headaches/migraines (14.6%).

This means that 91.2% of respondents experience muscle or joint pains, 90.5% are run down, and 79.6% experience headaches/migraines on any given day.

Physicians indicated that the symptoms experienced by 45.5% of the respondents were work related.

### Stress – the work environment (Questions 17 – 23)

- Sources of stress at the workplace were identified as: management practices (71.5%), workload (57.6%), shortage of workers (54%), incompetent supervision (51.8%), too much to do (44.5%), inadequate information about changes in procedures (35%), underutilization of skills (29.1%), no say in how the job was done (24.8%)
- Pressured to go to work when they were sick to keep up with their workload (47.4%)
- Pressured to go to work while sick because they were not being replaced and co-workers would be required to work short (53%)
- due to their working conditions respondents “sometimes” felt irritated (63.5%), frustrated (55.4%), angry (54.7%) overtired (54%), unable to concentrate (52.5%),
- due to their working conditions respondents “often” felt frustrated (33%), overtired (26.2%), irritated (25.5%) or angry (21.8%).

### Workload and Health and Safety (Questions 24 – 30)

- Workload had increased since they began their employment (66.4%)
- Major contributors to the increase were: additional job duties (59.8%), reorganization of work processes/practice (54.7%), reduction of workers (46.7%), cutbacks (46.7%), budget reductions (40.8%).
- Approximately 25% of the respondents were from the health care sector. They (82.8%) indicated that the level (acuity) of care had increased, and (45.7%) that they had more individuals under their care.
- Increased health and safety incidents (52.2%)
- Harassment and Violence: verbal abuse (59.1%), threat of assault (32.8%), physical assault (21.1%), intimidation by supervisors (52.5%), personal harassment (38.6%). Racial harassment was reported at 5.8%.

### **Health Care:** In a similar and more recent health care survey the following was identified:

- Between 55% - 65% of respondents indicated there were not enough staff to allow them to do their job in a safe and healthy manner.
- Respondents worked unpaid time over and above the normal workday (62%). Times varied between 10 minutes to 60 minutes per day.
- Staff not replaced for sick or vacation leave (66%)
- Sick leave, WCB, DIP increased over the last five years (63%)
- Increase in harassment and violence, including intimidation by supervisors 46% - 87% depending upon the specific department.
- Common health symptoms experienced include feeling run down (55%), headaches/migraines (54%), muscle or joint pains (52%), Exhaustion (51%), changes in appetite (49%), sleeping difficulties (40%).
- Lack of replacement staff and pressure to “keep up” with the workload forces 70% of respondents to come to work sick.
- Current work environment is causing physical and emotional symptoms of overwork and stress in employees: feeling frustrated (91.6%), irritated (84.1%), overtired (83%), angry (70.5%).

- Physicians have indicated that 41% - 83% of respondents symptoms/conditions are work related. Again, the results depended upon the department worked.
- Increased health and safety incidents (41%).

**Recommendation:**

Task Team to be established. The development of a Regulation which must include, but not be limited to:

- Development of workplace “workload” policies.
- Definition “workload, work overload, and overwork” mean too many duties, tasks and responsibilities for one worker; too few hours in the day to complete all that is required; and/or fewer workers doing the same amount of work previously done by more workers.
- Joint Occupational Health and Safety Committees to have as part of their duties the mandate to deal with workload concerns and related injuries and disease.
- Full replacement of all staff on leaves.
- Requirement for extra staffing levels for special circumstances (e.g., annual cleaning, special catering functions, palliative and respite care).
- Minimum staffing ratios. The employer shall ensure that proper and sufficient staffing levels shall be maintained at all times in order to ensure all employees are able to perform their duties in a safe manner and at a safe pace or work.
- Mechanical devices sufficient in quantity and quality to protect the health and safety of workers.
- Workers to be informed of the risks, injuries and diseases associated with workload and the signs and symptoms associated with work overload.
- Provision of effective prevention and protection.
- Development of education and training programs related to work overload.

**Rationale:** To decrease the number of injuries and diseases caused by work overload.

**PART VII**  
**Personal Protective Equipment**

**Issue:** Personal protective equipment is not being supplied to workers at zero cost to the worker. PPE is not readily available and when available it is often the incorrect make or size/fit. Inappropriate PPE is being supplied to workers giving no protection and creating additional hazards.

**Recommendation for change:**

- Delete all references to “reasonably practicable”
- All PPE, including clothing, shall be supplied by and paid for by the employer.
- Alternate work arrangements for workers if PPE is not available or does not effectively protect the worker.

88 Respiratory protective devices.

Add: “air borne viruses”.

Add: provisions for fit testing.

Add: education and training programs on the fit testing and use.

96 Footwear

~~(1) Subject to subsection (4) and employer or contractor shall supply appropriate footwear at no cost to the worker, and shall ensure that:~~

(a) (b) No change.

(2) Delete.

**Rationale:** Updating and strengthening of regulation.

**PART VIII**  
**Noise Control and Hearing Conservation**

**Issue:** Personal protective equipment should be made available as the last resort. Control of the noise at the source should be the first option to prevent injury to the worker. Work related hearing loss continues to be a concern.

**Recommendation for change:**

- Delete the provision to average exposure to noise (dBA  $L_{ex}$ )
- Reduce the exposure levels from 80 dBA
- Ensure regulations meet with current standards for maximum protection and minimum exposure.

**Rational:** To protect workers from hearing loss.

**PART IX**  
**Safeguards, Storage, Warning Signs and Signals**

**Section of the Regulation: 130 Pallets and Storage Racks**

**Issue:** Load ratings for storage racks.

**Recommendation for change:** Manufacturers recommended ratings for safe storage to be posted.

**Rationale:** Racks are not designed for any or all loads.

**PART X**  
**Machine Safety**

**Section of the Regulation: 139 Locking Out**

(3) (b) Change language to read “Shall provide to that worker, at no cost, a lock...”

**PART XII**  
**Scaffolds, Aerial Devices, Elevating Work Platforms**  
**and Temporary Supporting Structures**

**Issues:** Concerns were raised at one of the meetings held by the Saskatchewan Federation of Labour. The Carpenters union will be submitting their concerns directly however, the following issues were raised.

**Recommendation: Scaffolding**

- Where a platform is more than 300mm from a wall or opening and a worker may fall more than 3m, a guardrail and to toe board shall be installed
- all load bearing clamps shall have a check clamp installed
- unsupported length of a knee brace shall be a maximum of 3m
- unsupported length of a secondary bracing member shall not exceed 3.6m
- ladder cages shall be installed where a ladder extends more than 3m to the platform instead of the current 6m (Regulation 225 – 3f). This would then comply with fall arrest regulations of 3m.
- Rest platforms can remain at the current requirements of every 6m.
- Hardhat required type and how often must they be changed (e.g., every 5 years)?
- Toe boards change to 150mm from the current 125mm (Regulation 123 – 3a)
- Base to height ratio of a free standing scaffold to be 3 – 1, the same as rolling tower (Regulation 188)

- Ladder cage hoops should be 2m apart vertically to match lift heights of a scaffold (Regulation 255 – 4)
- Hardhats to be worn with brims forward as instructed by manufacturer’s specifications (Regulation 91)
- Where a temporary scaffold or work platform from which it is possible for materials to fall more than two meters. Change from the current 3m (Regulation 123-1b)

## **PART XXI**

### **Chemical and Biological Substances**

**Issue:** There are approximately 75,000 chemicals in use in North America and most of them have never been tested. Far too many chemical and biological substances are being introduced into the workplace. There is a perception that more is better and employers will often demand that workers use ten substances when one would do the job, increasing the risk of multiple exposures and synergistic effects. Workplace toxins affect both the worker and their families. The prevalent medical conditions include Asthma, Cancer, Endometriosis, infertility and sterility.

**Recommendation for change:**

- Delete “reasonably practicable”
- Use the “precautionary principle” which requires authorities to take preventive action when there is a risk of severe and irreversible damage. Action is required, even in the absence of certainty about possible ensuing damage and without waiting for full scientific proof of the cause-effect relationships. When disagreement exists about the need to take action, the burden of proof must be reversed and placed on those who contend the activity will not have an impact.” (The National Round Table on the Environment and Economy, 1998).
- Be more specific about the toxins in the workplace (e.g., chemicals, *suspected carcinogens, endocrine disruptors, reproductive toxins*, or biological substances.)
- Ensure the maximum protection and minimum exposure to workers of all toxins.

- Definition(s) of chemical and Toxic substances to include Pesticides, herbicides, fungicides, etc.
- Establish a task team as required.

**Rationale:** Prevention of exposures to chemical substances, suspected carcinogens, endocrine disruptors, reproductive toxins and persistent organic pollutants.

The endocrine system is a network of glands that release many different hormones, sometimes in very tiny amounts. These hormones control growth, sexual and mental development and many other functions. Endocrine disruptors can cause reproductive disorders, immune system dysfunction, certain cancers of the reproductive organs, birth defects of the penis and low sperm counts, startling increase in early puberty and attention deficit disorders. Examples of EDCs include phthalates, Nonyl phenols and it ethoxolates, dioxin.

Reproductive toxins are seen as the new health risk, specifically Glycol ethers. Glycol ethers such a 2-butoxyethanol can cause liver and kidney damage, linked to low sperm counts in men using them regularly and can damage the fetus. They are listed as CEPA toxic under the Canadian Environmental Protection Act.

### **PART (NEW) – Carcinogens**

**Issue:** Cancer is on the increase. In the 1930s, 1 in 10 Canadians could expect to develop cancer over their lifetime. In 1970, the number had increased to 1 in 5. Today, 1 in 2.7 women and 1 in 2.4 men can expect to develop cancer over their lifetime (Canadian Cancer Society Annual Statistics 2002).

There are more than 100 different types of cancer. Carcinogens cause cancer by altering or damaging cell DNA. Carcinogens in the workplace include benzene, vinyl chloride, 4-amino biphenyl. Manufacturers and government sometimes defend carcinogens in products, claiming the amount is “too low to worry about” even when science has not proven the substance safe. Repeated exposure to even low doses may trigger a carcinogenic effect.

**Recommendation:**

- Total ban on all know carcinogens in the workplace. Including those currently listed in Table 21.
- Restricted use/elimination of all suspected carcinogens.
- Right of the Occupational Health and Safety Committee to stop any carcinogens entering the workplace.
- Provision under the regulation for mandatory substitution.
- Workers right to refuse to be upheld in all circumstances dealing with carcinogens
- Alternate employment for workers until the carcinogen has been removed from the workplace.
- Protection for workers under a “Whistle Blowers” Act.
- Utilization of the 1986 California Law known as Proposition 65, and the International Agency for Research on Cancer (IARC).

**Rationale:** Protection of workers by the elimination of carcinogens, and suspected carcinogens, from the workplace. Many carcinogens are known, there are currently 627 on the list shown scientifically to cause cancer (Proposition 65). Continued use and exposure to carcinogens in the workplace will determine higher future cancer rates in the coming decades. Our young working population is presently experiencing exposure to cancer causing agents in the workplace.

**PART XXII****Controlled Products – Workplace Hazardous Materials information System**

**Issue:** There is little or no compliance with this Regulation. Ninety percent of training is inadequate, MSDS sheets and labels are misleading and often illegal by referencing American rather than Canadian laws and standards.

**Recommendation for change:**

- Develop standards for training that include a specific number of hours to ensure the worker is fully trained and understands that training.
- Provide training for workers in their “first” language.
- Specific requirements on how to read and analyze the MSDS sheets to identify known toxins and carcinogens.
- Provision under the regulation for mandatory substitution.
- Workers right to refuse to be upheld in all circumstances dealing with controlled products.
- Alternate employment for workers until the product has been removed from the workplace.
- Protection for workers under a “Whistle Blowers” Act.

**Rationale:** Protection of Workers from unnecessary exposures to controlled products and toxins.

**PART XXIII**

**Asbestos**

**Issue:** Known carcinogen. Regulation too weak, employers are still not in compliance with the 1996 Regulation.

**Recommendation for change:**

- Add in the provisions from the Code of Practice/Guideline
- Include a penalty for violations which should include stop work orders for a prescribed length of time depending upon the severity of the violation.
- Workers right to refuse to be upheld in all circumstances dealing with asbestos
- Alternate employment for workers until the asbestos has been removed from the workplace.

- Protection for workers under a “Whistle Blowers” Act.

**Rationale:** Elimination and control of Asbestos at all worksites.

## **PART XXXI**

### **Additional Protection for Health Care Workers**

**Issue:** This regulation does not go far enough to protect the health and safety of health care workers. This is compounded by the fact that there is no meaningful enforcement by the Division forcing employers to comply. Programs in place have proven ineffective in the reduction of injury and disease. The WCB statistics on reported injuries continue to go up, despite the fact that workers are persuaded not to claim WCB under attendance management programs. Many incident forms do not make it past the managers desk to the Occupational Health and Safety Committee or the Workers Compensation Board.

**Recommendation for change:**

#### **Section of the Regulation: 468 Interpretation**

(b)(A) Change “a district health board” to “Regional Health Authority”

New “Committee” means the facility, agency, and/or site committee established under section 15 of the Act, not the Employer/SAHO regional committee.

#### **Section of the Regulation: 470 Lifting Patients**

**Issue:** The lifting program utilized in health care has proved ineffective. The Transfer, Lift and Repositioning (TLR) program is an employer program that has been in place for approximately twelve years. Over those twelve years injuries have continued to rise, it is time to implement a program that will deal effectively with ergonomic injuries.

**Recommendation for change:**

470(1) Where workers are required or permitted to lift, hold, turn or transfer patients, residents or clients, the ~~employer~~-Committee shall:

- (a) in consultation with the ~~committee~~-employer, and the trade union(s) representing the workers, shall develop and monitor a written program specifying:
  - (i) and (ii) No change
- (b) the employer shall implement the program developed pursuant to clause (a) to ensure safe work practices in transferring, lifting and repositioning patients,
- (c) the employer 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) requires the use of mechanical devices, the employer shall provide education, staffing levels , and mechanical devices sufficient in quantity and quality to protect the health and safety of workers, to assist with lifting, holding, turning or transferring patients, residents or clients.

#### **Section of the Regulation: 474 Waste needles, etc.**

**Issue:** See proposals for regulation 85.

**Recommendation for change:**

*The Committee in consultation with the employer and the trade union(s) representing the workers shall develop a Sharps Safety and Needlestick prevention program. This should include but not be limited to:*

- Engineering Controls: *The employer shall utilize engineering controls including “safety engineered” needles and other medical sharps devices in order to minimize real or potential exposure to blood borne pathogens to the absolute lowest possible extent;*
- Exposure Control Plan: *The employer shall implement an exposure control plan that identifies the various elements of blood borne pathogen exposure. Including a plan to prevent these exposures and utilize the safest commercially available medical devices*

*with an expressed goal of eliminating occupational exposure to blood borne pathogens through the use of safety-engineered devices.*

- *Training and Education: Provide all workers with educational programs to build awareness of the risks associated with blood borne pathogens, handling human pathogens and medical sharps with proper procedures to follow if exposed.*
- *Sharps Injury Log: Maintain a sharps injury log with detailed information on skin piercing injuries including:*
  - (i) *date and time of exposure incident*
  - (ii) *the type of device involved, the manufacturer, brand and model*
  - (iii) *the department or work area where the exposure occurred*
  - (iv) *the procedure/work the worker was performing at the time of exposure*
  - (v) *how the incident occurred*
  - (vi) *the body parts involved in the exposure*
  - (vii) *if the device had safety-engineered protection, whether the injury occurred before, during or after the activation of the mechanism;*
  - (viii) *Two (2) hour window – counseling follow-up.*

- *Post-exposure Protocol: Timely and effective medical attention shall be provided to any worker who receives a skin-piercing sharps injury, including post-exposure evaluation and follow-up. In accordance with the above, a clearly established post-exposure protocol, shall be communicated and implemented by the employer and made readily accessible to workers.*

### **Section of the Regulation: 475 Contaminated Laundry**

#### **Recommendation for change:**

475(1) Add “*All linen soiled with moist body substances must be handled with gloves. An apron or gown should be used if there is extensive soiling with moist body substances.*”

### **Section of the Regulation: NEW Sections**

- **Section to deal with respiratory diseases and respiratory devices.** Specifically where a worker is likely to be exposed to air borne viruses the employer must provide suitable and adequate approved respiratory protective device. Fit testing must be done for each worker.
- **Section specific to Emergency Medical Responders.** Specifically, the provision and use of approved personal protective equipment that is appropriate to the nature or the risk to which the EMR may be exposed and is adequate to protect their health and safety. May need a Task Team.
- **Section specific to Home Care workers** expanding upon the general regulations. May need a Task Team.

## **PART NEW**

### **Additional Protection for Correctional Workers, Mental Health Workers and Forensic Unit Workers**

**Issue:** Corrections workers, mental health workers and forensic Unit workers have not been protected under the current regulations. Many notices of contravention have been overturned by the director because there are no sections to deal specifically with their workplaces. There is no enforcement in this area.

**Recommendation:** Task team be established to develop a regulation for the protection of these workers.

## **PART – NEW**

### **Additional Protection for workers in the Meat Packing Industry**

**Issue:** The injuries in the meat packing industry are totally unacceptable. There is little enforcement and they type of work they do has to have a specific regulation

**Recommendation:** That a task team be established to develop a regulation for the protection of these workers.

## **TABLES**

**Issue:** Outdated and do not protect the health and safety of workers.

**Recommendation for change:**

**Delete:** Tables 7 and 8

**Update:** the rest of the Tables with a focus on minimum exposures and the elimination of hazards.

**Change:** Table 21 back to ppm.

## **APPENDIX A**

### **Presentation from the Saskatchewan Federation of Labour Shiftwork Committee.**

#### **Introduction**

Shift work is becoming more prevalent in society today. Many workplaces operate 24 hours a day. An increasing number of people are working shift work. As a result, now more than ever, it is important that we strengthen the legislation in regards to the issues surrounding shift work.

Working shifts can affect a workers' health & safety. Shift workers have irregular patterns of eating, sleeping, working and socializing that may lead to health and social problems. Shift work can also reduce performance and attentiveness. In turn, this may increase the risk of accidents and injuries.

Working during normal sleep hours affect the body's ability to digest food, rest, restore and repair itself and may affect a person's sense of well-being. Shift work decreases the quality and amount of sleep. Sleep deficit may leave a person more vulnerable to stress – related disorders. Shift workers whose health is run down by lack of sleep may be more susceptible to the health effects of hazardous substances.

Fewer adverse effects are likely to occur when workers have the opportunity to choose shifts and/or help design shift schedules. Workers should be allowed to choose schedules. If this is not possible, workers preference should be considered when assigning shift schedules. This should help to minimize the effects of shift work while maintaining productivity.

Due to increasing amounts of shift work, an increase in amount of duties, tasks and responsibilities for these workers, and added health hazards, safety hazards, family and social issues, the OH & S regulations need to address the issues of shift work.

Along with the current language already in the OH & S regulations, the following articles need to be added on the issues of rest periods, shift schedules, workplace design, shift workers and involvement on OH & S Committees.

### Workplace Design

An employer shall use workplace design to improve conditions for shift workers by:

- a) Reducing night traffic, noise and distractions
- b) Designing work areas to reduce physical, chemical, and biological hazards and limit exposure to harmful chemical and biological substances.
- c) Ensure the work environment promotes alertness. Keep work and traffic areas well lit. Reduce glare and reflective surfaces.
- d) Maximize health & safety controls – provide good ventilation, temperature control, machine guarding and so forth.
- e) Avoid isolating workers. Regularly communicate with workers working alone to protect health and safety.
- f) Providing food preparation areas if a cafeteria is not available (e.g. provide a fridge and microwave) and rest facilities.
- g) If possible provide exercise facilities.

### Rest Periods

For employees working shift work, specifically on their off shifts of evenings and nights, the employer shall provide 15 minute rest periods at least every 2 hours (to be inclusive of the rest periods.)

### Shift Schedules

Shift schedules are developed by shift workers conducting the work.

Shift schedules should ensure some weekends off every month.

Schedule shifts according to demand of the work:

- a) Avoid scheduling hazardous jobs at night that involve intense and continuous mental attention and effort, monotonous operations in dimly lit environments, and/or complex work procedures.

- b) Limit intense physical labour and intense continuous mentally demanding tasks.
- c) For jobs involving intense mental effort, rapidly rotating shifts are recommended.

#### Shift work and OH & S Committees

The employer shall involve shift workers by:

- a) Ensuring shift workers are well represented at workplace OH & S Committee meetings that deal with shift work issues.
- b) Ensuring that shift working employees sit on the workplace OH & S Committees.
- c) Involving OH & S Committees in developing shift schedules.

We would like the OH & S Committee of Review to consider the following for implementation into the OH & S regulations:

***(1) “To offset the hazards incurred from working shift work, in particular during the nightshift, the employer shall bear the entire cost of various devices, treatments and medications used to assist in the cure and prevention of sleep disorders.”*** Some examples of this would be sunlight lamps, white-noise generators, modifications to the shift workers bedroom to assist in getting a better sleep such as timers to bring a light on gently to wake the shift worker or soundproofing, fresh air supply and products to block light through windows. Other treatments may be air supply fans for sleep apnea etc.

I would suggest that the OH & S contact two experts in the field – Dr. Ron Hesselgrave from the University of Toronto and Dr. Adam Moschovitz from the Canadian Sleep institute of Canada in Calgary who stated that there are 80 – 90 different sleep disorders and we can treat each of them.

***(2) “Due to the increased risk of coronary diseases and gastrointestinal problems that accrue from working shift work, the employer shall set up a yearly physical monitoring schedule for all shift workers to provide the employee/employer with a physiological history of the employee during the time that the employee works shift work. From this the employer shall ensure that the employee is informed of any problems with his/her physical***

***condition and shall be responsible for setting up a physical and medical regimen to assist in preventing further physical problems due to working shift work. This regimen will include, if so required, the option of placing the employee onto a straight dayshift schedule without any loss of pay. Any costs of retraining the employee to adopt to a day career will be borne by the employer.”***

There are many articles and studies that show the link from heart disease and gastrointestinal problems to shift work. Since working shift work and facing the risk of these diseases is beneficial to the employer, I feel they should be in some way responsible to provide both the remedy or cure for these concerns as well as providing the employee with some skills, training (diet, physiological education, disease awareness) and physical education support to offset the effects of these problems.

***(3) “Employer will provide the shift worker and their family with a comprehensive accredited program to make shift workers and their families aware of the effects of shift work on both the employee and the employee’s family. The attendance at this program is required every 5 years with all expenses to be paid by the employer.”***

This is to firm up support for the portion already in the Act regarding the worker.

***(4) “Employers will provide 24 x 7 shift workers Safety/Alert/Nap rooms to assist them in dealing with the effects of sleep deprivation and disruption to circadian rhythms in order to help them function more safely at work and when driving home.”***

Many companies provide their employees with a sleep room where they can go for a nap for 20 minutes. Many accidents happen during night shift due to fatigue from disrupting the body’s clock (circadian rhythm) and this helps employees deal with it and work more safely.

**Submitted by:**

**The Saskatchewan Federation of Labour**

**Larry Hubich, President  
Marvin Meickel, Treasurer  
Wanda Bartlett, Recording Secretary**

**VICE PRESIDENTS**

**Pearl Blommaert, CUPE  
George Britton, CUPW  
Tod Brown, Under 1000 Group  
Bob Bymoan, SGEU  
Russell Doell, SEIU  
Greg Eyre, UFCW  
Amanda Freistadt, Youth  
Patti Gieni, Under 1000 Group  
Garnet Greer, IBEW  
Paul Guillet, RWDSU  
Paul Hallen, IWA  
Dan Hayduk, CEP  
Marianne Hladun, PSAC  
Wendy Simonson, SGEU  
Darla Leard, Aboriginal  
Rosalee Longmoore, SUN  
Colleen Malley, OPEIU  
Ben Medernach, USWA  
Frank Menten, CUPE  
Lily Olson, GSU  
Kelvin Goebel, Construction Division  
Donna Smith, Solidarity & Pride  
Barb Cape, SEIU  
Kathy Zwick, CEP**

**LABOUR COUNCIL REPRESENTATIVES**

**Bryan Barnes, Humboldt & District Labour Council  
Jim Bitinsky, Saskatoon & District Labour Council  
Doug Foote, Regina & District Labour Council  
Ben Webster, Prince Albert & District Labour Council  
Jack Duvall, North Battleford & District Labour Council  
Connie Jattansingh, Moose Jaw & District Labour Council  
Nancy Styles, Weyburn & District Labour Council**

