

Tool Box Talk

WORKPLACE LAW

APRIL 2014

In 2012, the Saskatchewan Workers Compensation Board recorded 60 workplace fatalities, 14 of which were within the construction industry. Improving safety measures and eliminating workplace injuries and illnesses is a responsibility we all share. Safety and prevention needs to become a priority and fundamental aspect of the way we work each and every day. Regardless of what career you have chosen, workplace law is evident in every sector of employment. When it comes to workplace health and safety, we all have to comply with legislation.

Occupational Health and Safety in Saskatchewan is governed by the *Occupational Health and Safety (OHS) Act, 1993* (includes the amendments that came into force on November 7, 2012) and *Regulations, 1996*. The Act and Regulations apply to employers, supervisors, workers, self-employed persons, contractors, suppliers and owners. Saskatchewan's Labour Standards Division aims to enforce labour legislation to ensure that employers and employees are aware of their rights and responsibilities regarding the law.

OHS legislation gives three important rights to all Canadian workers to ensure they have the knowledge they need to be safe on the job and the freedom to participate in health and safety activities in their workplace: The right to know, the right to participate and the right to refuse dangerous work. Employers, supervisors and employees also have legal responsibilities & requirements as outlined in the diagram to the right.

It is a very important, legislated requirement in the province for each workplace to appoint an Occupational Health and Safety Representative or establish an Occupational Health Committee. A company that employs nine or less employees in any high-hazard workplace is required to have an OHS Representative, whereas a company with ten or more employees is required to have an Occupational Health Committee in place. Committees must have between 2 and 12 members depending on the size of the workplace, and employer members must not outnumber worker members.

Training is crucial to workplace law and to protect the health and safety of the worker within the workplace. An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of a worker. Employers must ensure that no worker is permitted to perform work unless the worker has been trained, and has sufficient experience to perform the work safely and in compliance with the Act and Regulations, or is under close and competent supervision.

Employer's Responsibilities

Employers have the most control over the conditions of work and how its done. Therefore, employers have the greatest degree of responsibility for the health and safety of workers. They must:

- Provide a safe and healthy workplace
- When required, establish Occupational Health Committees or Representative and consult and cooperate with them in resolving health and safety concerns
- Ensure workers are not exposed to harassment
- Comply with The Occupational Health and Safety Act and Regulations
- Provide required safe work procedures
- Ensure equipment is provided and maintained
- Ensure workers are trained
- Ensure supervisors are competent
- Ensure workers are sufficiently supervised

Employers are also required to have a copy of the Act and the applicable sections of the Regulations readily available to workers and management.

Supervisor's Responsibilities

Supervisors are critical to safe workplaces as they are closest to the actual work being done and can address and resolve worker concerns. They must:

- Know and comply with the Act and Regulations
- Know their company's safety program
- Know emergency procedures required under the legislation
- Ensure workers they supervise understand and comply with the Act and Regulations
- Support and cooperate with the Occupational Health Committee or Representative

Worker's Responsibilities

- Take reasonable care to protect their health and safety and the health and safety of other workers
- Not harass other workers
- Comply with the Act and Regulations
- Use the orientation and training provided to them
- Follow safe work practices
- Use protective equipment provided to them
- Support and cooperate with the Occupational Health Committee or Representative



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