

INTRODUCTION TO OCCUPATIONAL HEALTH AND SAFETY LAW IN NOVA SCOTIA & N.S. DEPARTMENT OF LABOUR AND WORKFORCE DEVELOPMENT: OHS DIVISION

This section introduces Nova Scotia’s occupational health and safety (OHS) law and the provincial Occupational Health and Safety Division. Three key components will be discussed: (1) employer and worker health and safety rights and responsibilities; (2) the Internal Responsibility System (IRS); and (3) an overview of the OHS Division – the government body that monitors and supports workplace safety law in Nova Scotia.

High school teachers using this binder to support health and safety components of community-based learning programs will recognize many of those general outcomes in this section. In particular that the learner:

- recognize employer and worker rights and responsibilities to establish and maintain a healthy workplace, and to suggest responses when necessary, and
- demonstrate and apply an understanding of the major components of the Nova Scotia Occupational Health and Safety Act and Regulations.

Community and workplace educators are encouraged to consider these outcomes as part of occupational safety training they are doing with youth and young workers. For an explanation of regulatory information that is specific to a type business or industry, or that requires an interpretation of safety law, ie. “How does the new Workplace Violence Regulation impact our workers and business?”, educators, employers and trainers must call the OHS Division or visit their website. For contact information see the resources listed in “Contents” at the front of the binder.

WORKPLACE RIGHTS AND RESPONSIBILITIES

Workers have three key safety rights.

- **Right To Know** about workplace hazards that can affect their health and safety.
- **Right To Participate** in their own health and safety.
- **Right To Refuse** work they feel is unsafe or unhealthy to them or someone else.

What do they look like in action?

The **right to know** about the hazards of a workplace should be in action the first day a young worker heads off to his or her new job. Having the right to know about hazards also means that the employer has the responsibility to explain how to avoid the potential for injury from those hazards. Every workplace, every job, has hazards. But when workers exercise their right to know, and employers fulfill their responsibility to explain and educate, the potential for being injured goes down and the health and safety of the workplace goes up! See “Suggestions for Activities” for ideas on how to explore the right to know.

The **right to participate** in our own health and safety, and that of others, is a cornerstone of the Internal Responsibility System. When workers exercise their right to participate, they are working to ensure that their voices are heard. When employers put programs in place that support employees’ right to participate in safety, they are showing they value the health of workers and the experience they bring to having a safe working environment. The right to participate may look like

workers joining the health and safety committee, employers making sure there is a clear way to report hazards, and managers taking part in safety training so they know how to follow up on hazard reports. See “Suggestions for Activities” for ideas on how to explore the right to participate.

Workers may exercise their **right to refuse** where they have reasonable grounds to believe that an assigned task will likely hurt them or someone else at the work place. For instance, in cases where a worker finds him or herself faced with a duty for which there are few or no safety measures in place, that he or she has no training or proper equipment for, or that other workers have been injured while completing, it could be the time to exercise the right to refuse. Nova Scotia’s Occupational Health and Safety Act clearly speaks to the right to refuse, including the need to always report the situation to a supervisor and how the law protects workers who exercise their right to refuse. For more information, visit or call the OHS Division and see “Suggestions for Activities” for ideas on how to explore the right to refuse.

The right to know about workplace hazards, the right to participate in workplace safety, and the right to refuse work that is felt to be dangerous, are three of the key principles of the **Internal Responsibility System (IRS)**. What does the IRS mean for Nova Scotia young workers, workplaces and safety law?

THE INTERNAL RESPONSIBILITY SYSTEM AND NOVA SCOTIA OCCUPATIONAL SAFETY LAW

Nova Scotia is unique in Canada because we clearly and purposefully included the Internal Responsibility System in our OHS Act. IRS provides the foundation and the framework for our safety law. It is a safety philosophy that says employers and workers share a direct responsibility for health and safety, as an essential part of their work. “No matter where or who the person is in the organization, they can address safety in a way that fits with what they do. Every person takes initiative to improve health and safety on an on-going basis.”

(“Strategic Directions: Promoting Compliance with the Internal Responsibility System in Nova Scotia”. p. 4, July 2007. Government of Nova Scotia, Halifax)

This sharing *is* the **Internal Responsibility System in action, wrapped up in the people of an organization**. To read more about the IRS, see the “Just for Educators” introduction and review the OHS Act & Regulations section of the binder. For details about the IRS, workplace safety law and specific examples, contact the OHS Division (see “References”).

When discussing the IRS, Nova Scotia’s safety law makes clear that employers and workers share responsibility for workplace safety, and that the sharing is also based on the level of authority and ability different workplace groups have. However, just because the type of safety responsibility is different for employers and workers, it doesn’t change the fact that the responsibility is there. Here are some of the employer and worker responsibilities required by Nova Scotia occupational safety law.

Employer Responsibilities:

- Ensure the health and safety of anyone at or near the workplace;
- Maintain equipment safely and appropriately;
- Inform workers of hazards in the workplace;
- Make sure workers have proper equipment and correct safety gear to work safely;
- Establish a safety policy and/or program, including safe work procedures, orientation and training programs, and hazard reporting and investigation process.
- Establish a health and safety committee and/or representative, make sure they have training to fulfill this role; and
- Follow safety law, and make sure that workers do so as well.

Worker Responsibilities:

- Take every precaution to ensure own health safety and that of others;
- Follow the company's safety rules, policies, and safe-work procedures;
- Wear personal protective equipment as required by the employer or by the law;
- Use equipment and materials only as authorized by the employer and/or by manufacturer's specifications;
- Cooperate with the employer and the OHS committee for workplace safety; and
- Report all hazardous incidents and situations.

To explore other rights and responsibilities, see "Suggestions for Activities."

What agency has the responsibility to enforce safety law and make sure that employers and workers understand their rights and responsibilities? In Nova Scotia it is the staff and officers of the Occupational Health and Safety (OHS) Division of the provincial Department of Labour and Workforce Development.

NOVA SCOTIA'S OHS DIVISION AND OFFICERS

The following is adapted from the OHS Division's webpage, www.gov.ns.ca/lwd/healthandsafety.

Safe workplaces are created by people who care. Your health and safety in the workplace is protected by Nova Scotia's Occupational Health and Safety Act and Regulations. The Occupational Health and Safety Division (OH&S) has responsibility for the OH&S Act and concentrates its efforts on safe and healthy workplaces, work practices, and safety standards. Our staff promote, coordinate, administer, and enforce occupational health and safety for workplaces and the general public. The division's goal is to establish and enforce clear standards to reduce occupational injury and illness.

A key focus of the OH&S Division is the promotion of the Internal Responsibility System (IRS). The IRS acknowledges the responsibility of employers and employees for workplace health and safety. Through information and enforcement the OHS Division affects public and workplace health and safety by:

- Promoting the primary responsibility of employers and employees to create safe and healthy workplaces through the use of safe work practices, adequate training and suitable equipment. The OH&S Division also recognizes the value of promoting general health and safety awareness.
- Providing inspection, certification and enforcement services; this is to demonstrate that a level of surveillance exists to monitor and to correct actions or conditions that are not in keeping with the requirements of the legislation, especially those related to the Internal Responsibility System. The enforcement provisions also ensure that where violations of the legislation are identified, appropriate action is taken, providing both general and specific deterrence.

- Developing partnerships through dialogue and information exchange, and providing opportunity for consultation in order to shape ongoing OH&S Division services.
- Ensuring the continuous evolution of legislation to serve Nova Scotians better. Changes to legislation will incorporate technological changes and recognize the evolution of workplace practices and standards.

The division is built around two branches of service: Inspection and Compliance Services and Professional Services.

Inspection and Compliance Services are those provided directly to persons in the workplace by the division’s occupational health and safety officers. OH&S officers are a team of health and safety professionals who provide occupational health and safety support to companies, government agencies, and workers. Their services are organized and provided regionally throughout the province. By ensuring compliance with existing regulations, codes and standards under the Occupational Health and Safety Act, OH&S officers and staff work to promote healthy, safe and efficient workplace practices. This means that officers and staff provide specialist services to control workplace hazards which employees are exposed to; to educate health professionals and the public regarding health and safety hazards, and to interpret and apply applicable health and safety regulations and standards.

Professional Services staff provide technical, professional and operational support to the work of Inspection and Compliance Services officers. This support work includes:

- Providing educational and technical support to the OHS Division and officers, and workplaces and external clients
- Development of policy, procedures and programs for the division

- Development and review of occupational health and safety law
- Development, establishment and review of OH&S standards and codes of practice
- Providing expert testimony during court prosecutions (under OHS legislation)
- Providing technical support to OHS officers working on prosecution cases
- Providing assistance to safety professionals in the development of OHS services
- Collaborating on safety communications initiatives for workplaces and the public
- Collaborating on and promoting health and safety research
- Supporting boards and commissions that work alongside the division.

OHS Officers and Professional Services staff work to support and educate employers, workers and the public to understand the roles and duties of workplace health and safety. The division’s responsibility for this is tied to Nova Scotia’s Occupational Health and Safety Act and its Regulations. This list showing the Act and the Regulations is from the division’s web pages. All of these Regulations are important; educators may find that some are more closely connected to the contents of this binder than others. Whenever learning about Nova Scotia safety law it’s always important to check the OHS Division webpage for bulletins about any updates, changes or hazard alerts.

NOVA SCOTIA OCCUPATIONAL HEALTH AND SAFETY ACT

The Occupational Health and Safety Act provides for the promotion, co-ordination, administration and enforcement of occupational health and safety in Nova Scotia.

By adhering to the Internal Responsibility System, the Act emphasizes proactive approaches to preventing injury and illness. The broad duties identified by the Act are more specifically defined by another level of legislation called regulations.

Nova Scotia Occupational Health and Safety Regulations

- Fall Protection and Scaffolding Regulations
 - defines fall protection measures for certain surfaces, settings and circumstances
- Workplace Hazardous Materials Information System Regulations (WHMIS)
 - defines the handling of controlled products in workplaces; regulations are linked to Federal WHMIS legislation as well
- Occupational Health and Safety First Aid Regulations
 - defines type and provision of emergency first aid in a variety of work settings
- Occupational Safety General Regulations
 - defines handling of safety measures for many specific work settings ie. toilet facilities in remote areas, and proper measures for welding
- Violence in the Workplace Regulations
 - defines provision of violence prevention measures in certain work settings; includes suggested Codes of Practice for employers
- Temporary Workplace Traffic Control Regulations
 - defines safety measures for temporary work settings on and around highways and roads
- Occupational Diving Regulations
 - defines safety measures for workplaces that require underwater diving and working
- Smoke-free Places Regulations (listed under the “Smoke-free Places Act”)
 - defines where persons may or may not smoke in certain settings, which can include many workplaces
- Occupational Health Regulations (listed under the “Health Protection Act”)
 - covers workplace issues of exposure and over-exposure to harmful gases, dusts and physical agents such as radiation, heat and cold, and vibration and noise
- Occupational Health and Safety Appeal Panel Regulations
 - defines how an order from the OHS Division may be appealed
- Underground Mining Regulations
 - defines safety measures for all mining operations, including emergency response
- Blasting Safety Regulations
 - defines safety measures for workplaces (other than mining) where blasting is required
- Disclosure of Information Regulations
 - defines when/how the disclosure of sensitive information, such as personal medical information or an industry trade secret, is allowable

Regulations spell out the requirements of the legislation. They may have a general application, or define and determine specific standards or performance in a work setting. Regulations may also apply to a particular hazard or a particular type of work or workplace. One type of regulation dictates the minimum standard that a workplace must meet for particular hazards, including how employers must reach those minimum standards. Another type of regulation clearly defines the employer's responsibility for safety measures, but allows him or her to decide how to meet these responsibilities. Both types of regulation can be seen in Nova Scotia occupational safety law. Both are needed for safer workplaces.

When learning about Nova Scotia safety law, always use the OHS Division as a first source for information. See "Suggestions for Activities" and the "Legislation" Section.

WORKING TOGETHER TO BUILD A CULTURE OF WORKPLACE SAFETY

Educators have a great opportunity to directly impact how students and workers view workplace safety. Teachers working with youth, and with young workers, are in the unique position to directly influence youth attitudes and assumptions about occupational safety – attitudes and assumptions that shape how they work now, and how they'll work in the future. Working together is not only about employers and workers coming together, it's about individuals, and public and private agencies, working together to change the attitude that nothing can be done to make a difference when it comes to workplace safety. Together, we can make this attitude history.

SUGGESTIONS FOR ACTIVITIES: EDUCATORS AND LEARNERS

Educators can

- With the group, view and discuss any of the videos/CDs under “Suggested Resources.”
- Reinforce with learners that, according to workplace safety legislation, employees have three key rights:
 - (1) to be informed of hazards in the workplace,
 - (2) participate in their own health and safety, and
 - (3) refuse work they feel will hurt them or someone else, without being penalized for doing so.
 - create and carry out role-plays for each
 - ask learners to describe situations where they have seen these rights ignored, or observed
 - discuss the challenges of asserting safety rights; what are the barriers and the supports? Do some more role-playing!
- Introduce the topic of workers’ rights by describing a time and place that held or holds values different from those we take for granted today. For example, read an excerpt from an historical account, historical novel, or current news story that describes a workplace situation in which health and safety practices would be considered unacceptable by current standards.
- Initiate a discussion in which the difference between rights and responsibilities is illustrated and discussed by the group.
- Distribute copies of the Act and Regulation overview sheets from the resource binder and have individuals or groups design a diagram showing the relationship between the Act and one, or all, of its fifteen Regulations. Have the groups attach their diagrams on the wall or blackboard to show further relationships.

- Assign individuals or groups different sections of the Act (or a Regulation) to complete the matrix below with what they learn about employer and employee rights and responsibilities for workplace health and safety hazards in their assigned section and present them to the class for discussion. The following sections are suggested.
 - Section 13 Employers’ Precautions and Duties
 - Section 17 Employees’ Precautions and Duties
 - Section 28 Requirement for OHS Program
 - Sections 29 & 31 Requirements for Joint OHS Committees
 - Section 43 Right to Refuse Work
 - Sections 45 & 46 Prohibition of Discriminatory Action

	Rights	Responsibilities
Employer		
Employee		

Learners can discuss what they learned that they didn’t previously know, and what they learned that surprised them most.

- Distribute copies of the Act, or of a Regulation that has special interest to the group, ie. ‘Workplace Violence’ for those working retail, or ‘Fall Protection’ for apprentices in the construction trades; and do a Scavenger Hunt with ideas set by the teacher and the group.
- Ask each group to give examples of how the Act and Regulations impact the jobs they currently have, or expect to have in the future.

Learners can

- Discuss how they would mentor younger or inexperienced workers for a safe work-shift
- Discuss what they would, or would not do, to ensure workplace safety if they were a business owner or manager
- Learn and discuss the appropriate procedures for reporting a workplace incident or injury to their employer, the OHS Division, or to the Workers' Compensation Board of Nova Scotia (WCBNS).
- Brainstorm a procedure for filing a complaint or concern about a health or safety matter
- Design and present role plays demonstrating "I" messages, ie. assertive and professional (as opposed to aggressive, passive or inappropriate) language, tone of voice and body language. Scenarios should include samples of both appropriate and inappropriate conversation with bosses, as well as co-workers, about workplace health and safety issues
- View the video "The Supervisor" as a group and discuss the challenges that supervisors, especially younger and/or inexperienced supervisors, face when trying to manage workplace safety.
- Find out what the Workers' Compensation Board of Nova Scotia does and how it works with the public, employers, workers and injured workers to promote safe workplaces.

SUGGESTED RESOURCES

Any of the binder's resources may be used; these are directly related to Nova Scotia OHS. See the Resource list in the binder's "Contents" section for a full description of each item.

Videos

- WorkSafeBC – *The Supervisor*
- WCBNS – advertisements and videos on www.worksafeforlife.ca.

Web Sites

- Provincial safety law – OHS Division of Labour and Workforce Development
- Federal safety law – HRSDC
- WCB Nova Scotia – function of the WCB

Legislation

- Nova Scotia OHS Act and Regulations