



Policy

Saskatoon & Area - Occupational Health & Safety

Number: 15-001

Title: Legislative Responsibilities

Saskatchewan Employment Act: 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-27, 3-28, 3-78, 3-79, 3-80, 3-81, 3-82

OHS Regulation:

Date: January 1, 2017

Date Revised/Reaffirmed: October 3, 2018

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Overview

Both federal and provincial legislation apply to Occupational Health and Safety in Saskatchewan Health Authority

Specifically:

- The Criminal Code of Canada, Section 217.1 reads:
"Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person or any other person, arising from that work or task."
- The Saskatchewan Employment Act (herein referred to as the "Act") and the Occupational Health and Safety Regulations (herein referred to as the "Regulations") clearly outline the duties of employers, workers, contractors, self-employed persons, suppliers and Occupational Health Committees.

Purpose

To identify responsibilities of all persons carrying out duties or services within SHA Facilities, Agencies or Programs

Roles and Responsibilities

Employer:

- Provide a safe and healthy workplace
- Comply with the Act and any Regulations made pursuant to the Act
- Establish and maintain an effective health and safety program
- Allocate resources to implement and maintain the health and safety program
- Ensure managers and supervisors are educated, trained and supported in their workplace responsibilities
- Ensure managers and supervisors are accountable for their workplace responsibilities
- Ensure that a safety reporting system is available
- Establish and maintain effective Occupational Health Committees
- Ensure Due Diligence as per Policy 15-002
- Inspect work areas and correct unsafe work conditions
- Ensure that all equipment is maintained at intervals that are sufficient to ensure the safe functioning of the equipment
- Cooperate with Saskatchewan Labour Relations and Workplace Safety, Occupational Health Officers and Occupational Health Committees

Manager and Supervisors:

- Provide a safe and healthy workplace
- Comply with the Act and any Regulations made pursuant to the Act
- Ensure all workers under their direction comply with the Act and those Regulations
- Cooperate with the Occupational Health Committees, Occupational Health Officers and Occupational Health and Safety Services
- Ensure biological, chemical, ergonomic, physical and psychological hazards are identified
- Ensure risk assessment is completed on identified hazards
- Ensure controls are in place to manage risks
- Inspect work areas and correct unsafe conditions
- Ensure that safe work practices and procedures are in place
- Ensure workers are educated and trained in safe work practices and procedures
- Ensure the workers follow safe work practices and procedures
- Ensure workers are trained and supported in their workplace responsibilities
- Ensure training of workers is documented and records of training are maintained
- Ensure equipment is maintained in safe operating condition
- Provide required personal protective equipment (PPE); See Policy 53-020
- Know how to safely handle chemical, biological substances and other hazardous products in work area
- Ensure workers are trained in safe handling, use, storage and disposal of chemical and biological substances and other hazardous products in the work area
- Understand emergency preparedness procedures and develop department specific plans
- Report and investigate incidents and complete corrective action plans
- Ensure Due Diligence as per Policy 15-002

Workers:

- Comply with the Act and any Regulations made pursuant to the Act
- Take reasonable care to protect the health and safety of all workers
- Refrain from causing or participating in the harassment of another worker
- Follow safe work practices and procedures
- Use safety equipment, guards, safety devices and personal protective equipment
- Attend and participate in required safety education and training
- Report unsafe conditions and hazards to manager or supervisor and the Safety Alert System/Incident Reporting Line
- Report incidents, near misses, injuries or work related illness to manager or supervisor and the Safety Alert System/Incident Reporting Line
- Cooperate with the Occupational Health Committees, Occupational Health Officer and Occupational Health and Safety Services

Volunteers:

As volunteers are not technically employed, the Saskatchewan OHS legislation does not apply to them. However, in the best interest of safety and risk management, volunteers should be expected to:

- Work and act safely
- Participate in orientation to applicable safe work practices and procedures
- Be educated, trained in and abide by all safety policies and procedures as they relate to their service
- Report any hazards, workplace incidents, near misses, injuries or work related illness to the assigned supervisor or manager and the Safety Alert System/Incident Reporting Line

Contractors:

When an employer hires an outside company or self-employed person on a contract and directs their activities, then the employer becomes a 'contractor' under Saskatchewan's health and safety legislation.

The contractor must perform the following:

- Determine who is responsible for the health and safety of all workers in the workplace based on who has direct and complete control
- Cooperate with service providers (the person or company that has been contracted) to control health and safety hazards
- Provide service providers and their Occupational Health Committees with any relevant information that could affect their health and safety
- Monitor service providers to ensure they comply with workplace safety requirements and take action to correct non-compliance
- Ensure service providers are covered under the Workers' Compensation Board (WCB)
- Maintain Due Diligence as per Policy 15-002

When an outside company is hired to perform construction work on a contract and direct the activities of 10 or more workers than one must determine who the 'prime contractor' is according to the Section 3-83 of the Act and is also referred to as *The Occupational Health and Safety (Prime Contractor) Regulations*. A prime contractor must be determined between the owner of the site and the outside company and be contained in the written agreement between the owner and the outside company. If the prime contractor is not defined in the written agreement the owner is considered the prime contractor under the Act. The prime contractor must follow the guidelines set out in Section 3-83 of the Act.

The Prime contractor must perform the following:

- Conspicuously post contact information for the prime contractor's representative throughout the work site
- Coordinate all activities on site that may affect the health and safety of workers to be sure the activities on one group do not pose a risk to others.
- Verify that subcontractor workers are complying with the Act, Regulations and instructions specific to the Prime Contractor
- Provides written safe work procedures for workers and subcontractors
- Ensure that all work being done does not place a different group of workers at risk
- Ensure that the Prime Contractor representative or supervisor is competent
- Ensure a written Prime Contractor plan is distributed to employers and self-employed persons before they start working on site
- Cooperate with any person who is performing a duty required by the Act or Regulations
- Comply with the Act or Regulations. It is the Prime Contractor's duty to ensure all work done on site meets the requirements of law. Modelling safe behaviours and demonstrating compliance when executing their duties is the best way to ensure this.

Service Providers (Companies, Subcontractors & Self-Employed Persons): This section includes physicians not employed by SHA but who performs work in and on SHA sites

- Ascertain what their responsibilities are regarding the health and safety of all workers affected by their activities in the workplace – see Regulation sections 5(5) – 5(8). All individuals under this heading must follow the SHA OHS Policy/Procedure & Program Manual at a minimum and any other applicable Regulations and any safety rules imposed by a department.
- Cooperate with the contractor, other subcontractors and self-employed persons and Occupational Health Committees in protecting the health and safety of everyone in the workplace

- Provide any relevant information that could affect the health and safety of all workers, to the contractor, other subcontractors and self-employed person, and the Occupational Health Committees
- Maintain Due Diligence as per Policy 15-002

Suppliers:

- Supply products that are safe when used according to instructions
- Provide instructions for the safe assembly, use and disassembly of products they supply
- Ensure that products comply with legislation
- Provide a current Safety Data Sheets (SDS) upon each delivery or upon request for a hazardous product

Occupational Health Committees and Representatives:

- Advise and assist in the identification and control of safety hazards
- Receive, consider and resolve matters respecting health and safety of workers
- Promote and recommend means of education and delivery of information on health and safety issues
- Maintain records with respect to duties of the committee
- Cooperate with Occupational Health and Safety Services
- Carry out other duties as specified in the Act or Regulations
- Members attend committee training as required
- Participate in the investigation of serious accidents, dangerous occurrences and refusals to work
- See Policy 15-002; Due Diligence

Occupational Health and Safety Services:

Occupational Health & Safety Consultants, Occupational Health Nurses and Associates provide consultation and direct support:

- Consults and supports managers, directors and VP's to develop and implement safety programs and procedures that are in compliance with the Act and Regulations
- Consults with LRWS, WCB and the Saskatchewan Association for Safe Workplaces in Health (SASWH)
- Facilitates the development, implementation and evaluation of health and safety programs
- Audits health and safety programs and procedures
- Provides education, information and training in a variety of areas related to health and safety, injury prevention, incident investigation and personal protective equipment
- Collaborate on assessments of environment and work processes with manager/supervisor, including the following:
 - Respiratory hazard assessments and Air Quality Testing
 - Hearing loss prevention
 - Environmental assessments
 - Ergonomic Assessments
 - Workstation assessments
 - Job task analysis
 - Safety equipment and PPE assessments
- Support Manager/Supervisors to aid in the development of their skills towards independently performing appropriate incident investigation on their units, including the following:
 - Review incident reports and enhanced follow up, as deemed appropriate
 - Provide education and training on root cause analysis
 - Identifying trends and themes
 - Identify and follow through with opportunities for improvement
 - With serious accidents and/or Dangerous Occurrences, co-lead investigation will be provided by OHS
- Respiratory Fit Testing

- Facilitates reporting requirements to the Saskatchewan Labour Relations and Workplace Safety Division
- Acts as a resource to and cooperates with the Occupational Health Committees
- Collects and maintains resources for information on health and safety issues
- Provides reports and analysis of incident and injury trends and immunization status
- Maintain Due Diligence as per Policy 15-002

Additionally, Occupational Health Nurses will provide consultation and direct support for:

- Training and education for health care workers on blood and body fluid exposure protocols, infectious disease exposure and other exposures in the workplace
- Cytotoxic Drug Post-Exposure Management
- Blood and Body Fluid Exposure Management
- Infectious disease exposure management
- Immunizations of health care workers and the vaccinations required for health care workers as per outlined in the Saskatchewan Immunization Manual
- Consultations with the Occupational Health and Safety Physician Consultant, Population and Public Health, Infection Prevention & Control and Saskatchewan TB Prevention and Control

Employee Health Nurses will provide direct support for:

- Immunizations/serological testing of health care workers and the vaccinations required for health care workers as per outlined in the Saskatchewan Immunization Manual
- Respiratory Fit Testing
- Consultations with the Occupational Health and Safety Physician Consultant, Population and Public Health, Infection Prevention & Control and Saskatchewan TB Prevention and Control

NON-COMPLIANCE/BREACH

Conviction and Penalties:

In a Criminal Code breach of duty, the Crown must prove the guilt of the accused beyond a reasonable doubt. Penalties for individuals can range from absolute discharge to probation to life in prison. Organizations can be fined to an unlimited amount and can be placed on probation with terms such as paying restitution and implementing remedial steps. In a Saskatchewan OHS legislation violation, once the Crown has proven that a violation has occurred, then the burden of proof is on the accused to establish that they acted with due diligence. Penalties include fines that can range from \$4000 to \$1,500,000 and up to two years in prison.

Review Dates:

January 1, 2017

August 15, 2017

December 13, 2017

March 26, 2018

October 3, 2018