

NEW—Workplace Health and Safety Regulations

In mid-March an Order in Council (OIC) was signed introducing the new [Workplace Health and Safety Regulations](#). The new WHS regulations will **come into effect June 12, 2013**.

Together with the introduction of the new regulation the OIC also amended the [Occupational Safety General Regulations](#) and Blasting Safety Regulations to make them consistent with the new regulation and repealed: the Fall Protection and Scaffolding Regulations; the Temporary Workplace Traffic Control Regulations; and the Occupational Health Regulations. These amendments will also **come into effect June 12, 2013**.

As you may recall from the June 2012 OHS News, the Department sought comments and input both on the Workplace Health and Safety Regulations and amendments to the Occupational Safety General Regulations. As part of the consultation it was noted that the introduction of the WHS Regulations were Phase One of a planned consolidation of all Occupational Health and Safety Regulations.

With the introduction of the WHS Regulations Phase One is complete. Phase Two will look to merge all the remaining parts of the Occupational Health and Safety General Regulations into the WHS Regulations. Finally a Third Phase will look at merging the remaining OHS regulations, except for the Underground Mining Regulations, into the WHS.

What this means is that, other than Underground Mining Regulations, all current and likely future regulations will be a “Part” within the WHS Regulations. You will no longer need to have several regulations at your workplace to cover your workplace activities. Also, it would mean that requirements will be more consistent across the various parts.

Free OH&S E-learning training is back

The Division is pleased to have a selection of free E-learning courses available on our web page again.

The courses are delivered, in partnership with the Canadian Centre for Occupational Health and Safety (CCOHS), and provide

up-to-date and relevant topics in both health and safety.

Most courses are 1 – 2 hours in length and can be completed entirely online. A maximum of 6 courses per individual per calendar year on any health and safety topic listed on the web

page is available to residents of Nova Scotia .

Some of the courses available are: accident investigation; due diligence in OHS; hazard identification and control; global GHS for workers; hazard identification assessment and control; health and safe-

ty for office managers; health and safety committees and more.

There is a simple registration process with an [on-line form](#). Once completed, passwords will be emailed, from CCOHS, within 2 working days

This Issue:

NEW—	1
Workplace Health & Safety Regulations	
Free OH&S E-learning	1
Recent Incidents	2
Day of Mourning, April 28	2
NAOSH Week, May 5 to 11	
Two cases: Employee Responsibility	3
FYI—NS company fined for fatality in Ontario workplace	3
FYI—New CSA standard, Managing OHS training	4

Recent Incidents

A short and non-exhaustive recap of incidents recently investigated by Officers. This serves to highlight workplace incidents and encourage you to check and see where you stand with regards to these issues.

Electrical Contacts

There were two mobile power equipment contacts with high voltage overhead power lines.

The first incident involved a worker in a ‘Genie Lift’ sealing newly installed windows. In positioning the lift it made contact with the

69,000 volt power line. Fortunately there were no injuries.

The second incident involved an excavator being loaded on to a float trailer. The excavator came into contact with the power lines and caused the current to go through it unto the float and caused a shock injury to the operator of the trailer.

Hazard assessments should be undertaken when working near energized overhead power lines. Be aware of distances, use spotters

where field of vision may be obscured.

Storage

An employee was struck in the head with a file box when it fell 8 feet from the top of a cupboard.

The file box had been placed on top of the shelf of a cupboard. It was determined the file box was resting on the door of the cupboard and when the employee opened the door it fell.

Care must be exercised when storing materials above head height. Ensure

that material is secure or preferably do not stock above head height unless using appropriate storage racks. If storing above head height provide a means (ladder etc.) for workers to access the storage safely.

Power Tools

A worker received a serious cut to their thumb when the cutting blade from an air drill broke and pieces of the blade flew out. Ensure tools and any attachments are appropriate to the job being undertaken. Wear personal protective equipment.

NAOSH Week—May 5 to 11

Across the country, North American Occupational Safety and Health Week (NAOSH) events and activities are coordinated by local, provincial and/or regional committees, comprised primarily of volunteers, who share a focus and vision of safer workplaces and communities.

Partnerships with government, business, suppliers, CSSE Chapters, community health organizations and other safety groups provide the support, resources and network necessary to manage the NAOSH Week plans.

The [NAOSH](#) web site has links to events broken out

by each province; as well as material that can be downloaded should you wish to organize your own event.

One of the events that takes place on the opening day of NAOSH Week is the “Steps for Life”. This event is a fund raising event for Threads of Life, an Association for Workplace Tragedy Family Support.

If you want to know where walks are taking place go to [Steps for Life locations](#). Currently you will see two locations for Nova Scotia: Halifax—Point Pleasant Park; and Windsor/West Hants—Smiley’s Provincial Park.

National Day of Mourning—April 28

April 28 Nova Scotia will join the rest of Canada (and more than 8– countries world wide) in remembering those who died, were injured or became ill at work.

Several communities across Nova Scotia hold events to commemorate this day. Last year events were held in: Halifax, Sydney, Kentville, Bridgewater, Port Hawkesbury and Pictou County.

A web page, [Day of Mourning](#), has information and links regarding past events, stories of workplace tragedy, and an employer toolkit.

The web page is a partnership of Nova Scotia Labour and Advanced Education, the Nova Scotia Federation of Labour, and the Workers’ Compensation Board of Nova Scotia.

Check the site in the following days for the latest information on planned events locations and times. There is also a Media Center link with media contact information for the three partnering groups.



FYI— Two Cases highlighting Employee Responsibility

An Ontario company, that cleans vehicles for leasing and car rental companies before they are auctioned off, had their conviction of breaching Ontario's OHS Act by failing to provide information, instruction or supervision to a worker, overturned on appeal.

The original conviction was based on a young worker hired to clean cars, driving a car to a wash bay and hitting another car; causing a chain reaction that injured another worker further up the line.

The company had a safety policy allowing only persons with valid driver's licenses to drive vehicles. The employee, who did not have driv-

er's license, had been instructed of the policy and told not to drive any vehicles.

On appeal, the Court determined that driving was not part of the worker's job and there was no reason why the company would expect him to do so, particularly after instructing him not to.

Also the Court determined that employees had to take some responsibility for their conduct and therefore the a supervisor was not required to be constantly present.

Complete article at: [Canadian Occupational Health and Safety](#).

An arbitrator upheld the

dismissal of an employee for multiple instances of health and safety violations despite having 37 years of service.

The worker was employed in a lead and industrial materials recycling company. Over the course of his 37 years the employee received several warnings and suspensions for failing to follow the company's ohs policies. Eventually, the employee was terminated when he was caught not wearing mandatory safety equipment and then displaying insubordinate behavior to his supervisor the following day.

The arbitrator found the employee had had several opportunities to show he

could change and rehabilitate his behaviour with the previous instances of discipline, but he had failed to do so.

The arbitrator felt the employee only acknowledged his misconduct after the grievance and there wasn't much chance he would be a respectful of the company's health and safety expectations if he was to be reinstated. [Article on Financial Post](#)

The NS [OH&S Act](#), Section 17, deals with employee precautions and duties. Duties are also imposed on other workplace parties including, Employer, Supplier, Self-Employed, Contractor, Constructor, Owner., etc.

FYI—N.S. Company fined in Ontario workplace fatality

[From Ontario Ministry of Labour—Court Bulletin](#)

A Nova Scotia company that sells and services construction drills was fined \$110,000 for violations of the Occupational Health and Safety Act (Ontario) after a fatal workplace accident. The accident occurred in August of 2011 at a Toronto workplace.

A workers was acting as a signaler for a crane unloading drill casing from a truck.

Three large, cylindrical casings were already stacked on the ground in pyramid formation; however, the bottom two casings were not chocked or wedged to prevent movement.

While a fourth casing was being unloaded from the truck, the top casing in the pyramid fell between the two casings holding it up, pushing the bottom casings outward.

One of those casings rolled and made contact with the fourth

casing that was still suspended by the crane. The suspended casing swayed and struck the signaler, pinning the worker against the back of the truck. The worker was killed.

The accident underscores the need for a strong Occupational Health and Safety program, supervision and communication, as well as knowledge of the regulatory requirements for the jurisdiction you will be working in.

Ontario has a specific requirement for cylindrical objects stored on their side to be piled symmetrically with each unit in the bottom row chocked or wedged.

In Nova Scotia the [Occupational Safety General Regulations](#) Part 5 details requirements for Handling and Storage of Materials. Also Part 7 of the regulation deals with requirements for hoist and mobile equipment including requirements for signalers.

**LABOUR AND ADVANCED
EDUCATION**

Occupational Health and Safety Division
P.O. Box 697
Halifax, NS
B3J 2R7

Phone: 902-424-5400
Fax: 902-424-5640
Toll Free: 1-800-952-2687 (9-LABOUR)
E-mail: ohsdivision@gov.ns.ca

For further information come see us on
the Web at:

<http://gov.ns.ca/lae/healthandsafety/>

or our OHS Knowledgebase
[Knowledgebase](#)

FYI—New CSA Standard for Managing OHS Training

CSA is set to release a new standard for managing Occupational Health and Safety training as an e-publication in April 2013.

The standard will provide organizations with a practical guide to managing an effective OHS training system.

The standard is outcome oriented and will give employers a structured and measurable means of comparing training providers.

The technical committee was composed of 36 members with representatives from management, producers, labour and regulators.

The standard is composed of three major parts: training, administration and management of OHS training; establishing and maintaining a training program; and development and maintaining of training courses.

Excerpted from [Canadian Occupational Safety](#), article written by Linda Johnson.

CSA Group [Occupational Health and Safety products](#)

Links to related agencies:

- [Nova Scotia WCB](#)
- [Workers Compensation Appeals Tribunal \(WCAT\)](#)
- [Workers' Advisers Program \(WAP\)](#)
- [Workplace Safety and Insurance System \(WSIS\)](#)
- [Office of the Employer Advisor Nova Scotia](#)
- [Service Canada / Français](#)
- [Canadian Centre for Occupational Health and Safety \(CCOHS\) / Français](#)
- [CanOSH \(Canada's National Workplace Health and Safety Website\) / Français](#)