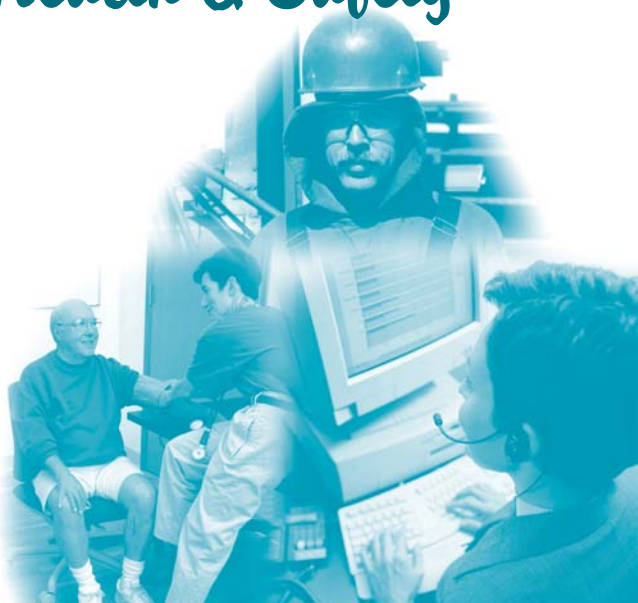


# WORKERS COMPENSATION BOARD OF PRINCE EDWARD ISLAND

## Information on Occupational Health & Safety



Promoting Safe Workplaces...  
Protecting Employers And Workers



## Introduction

This guide is designed to provide basic information about the Occupational Health and Safety Act. It is not a substitute for the Act and Regulations. You are encouraged to read the Act and regulations and the guides to them. The Act requires that a copy be available in your workplace. They are also available from our web site [www.wcb.pe.ca](http://www.wcb.pe.ca) or call or write the Workers Compensation Board offices at the address listed on the cover of this document.

**Workers Compensation  
Board**

**Toll Free Telephone Line  
(Atlantic Canada)**

**1-800-237-5049**

**or (902) 368-5680  
Fax: (902) 368-5696  
[www.wcb.pe.ca](http://www.wcb.pe.ca)**

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## **What is the Occupational Health and Safety Act?**

The Occupational Health and Safety Act and regulations exist to establish a minimum standard of health and safety in Island workplaces.

The Act and Regulations address a wide variety of workplace health and safety issues in every type of workplace. The regulations exempt workplaces with less than three employees and work carried out on a farm property.

The regulations are very specific and address such things as scaffolding, personal protective equipment, housekeeping, eating areas, toilets and washing areas, noise, tools, ventilation and the use of controlled chemicals. It is important to read the regulations carefully to understand how they apply in your workplace. The OHS Division has produced guides to help with understanding some of the regulations. For example, there is a guide to fall protection and one on heat stress. These guides can be found under the Prevention button on the WCB Web site or by calling the Division directly at 368-5697, or toll-free at 1 -800-237-5049.

## **Who Enforces the Act?**

The Occupational Health and Safety Act is administered by the Workers Compensation Board through the Occupational Health and Safety Division.

## **What Does the Occupational Health and Safety Division Do?**

The Occupational Health and Safety Division of the Workers Compensation Board is responsible for ensuring minimum workplace health and safety standards are in place. This is achieved through enforcement of the minimum standards set by the Act and Regulations and through education on accident and illness prevention.

### **The division consists of:**

- A Director
- A Managing Safety Officer co-ordinates and supervises the activities of the officers and acts as a liaison with employers
- Five OH&S officers inspect workplaces, investigate accidents and respond to complaints or work refusals. One of the officers has occupational hygiene training and responds to concerns related to workplace health such as air quality and chemical exposure
- An Education consultant provides information on requirements under the Act and assists employers with the development of health and safety programs to decrease illness and accidents
- A Youth Education Co-ordinator who is developing health and safety curriculum for kindergarten through grade twelve and working to promote health and safety for PEI youth
- An administrative support person

**The occupational Health and Safety Division of the Workers Compensation Board maintains a 24 hour emergency response number for after hours reporting of accidents or complaints. Call: 628-7513**

## **What Rights Do the OHS Laws Give Workers?**

### **The Right to Know**

You have the right to information on issues that affect your health and safety. This may be formal training on anything from violence prevention to chemical safety. It may also be "tool box" talks, information bulletins or training on safe work procedures.

### **The Right to Participate**

You can participate by reporting unsafe or unhealthy conditions and by considering health and safety in your daily routine. You can also join your health and safety committee or become the health and safety representative for your workplace.

### **The Right to Refuse**

You have the right to refuse dangerous or unhealthy work. If you believe that you or a co-worker are being asked to do something dangerous or unhealthy, your right to refuse is protected under the law. Under the Act, you are protected from job loss and any repercussions that can be traced to your refusal. To be protected, you must follow the following protocol:

1. You must report your concern immediately to your supervisor. Go to a safe place but stay in the workplace during normal working hours. Your employer may reassign you to other work.
2. Your supervisor should promptly investigate the situation while you are present. If he/she agrees you have grounds for refusing to work you are not required to do that work until the problem is fixed. However, if your supervisor disagrees, he or she may ask someone else to do the work provided the replacement person is informed of the reasons for your refusal.
3. If you are still concerned you may continue to refuse. You should promptly report the situation to your health and safety committee or representative. If your workplace employs less than five people there may not be a representative. In this case you could report the issue directly to OHS.
4. The committee or representative will investigate the situation. If they agree that there may be a risk they will recommend that the employer find a solution. If they feel there is no risk you will be advised to return to work.
5. If you or your committee or representative still have concerns any one of you may report your concern to an OHS Officer. He or she will investigate and decide if the grounds for the refusal are reasonable. In some cases, such as air quality problems, the risks will require testing to ensure safety. The officer will order that this be done if it appears there is an unsafe condition. In the event that the officer can find no hazard he or she will advise you to return to work. At this point further refusal is no longer protected under the Act.

## What Responsibilities Do the OHS Laws Give Workers?

- As a worker you must report anything you think may be unsafe or unhealthy to your employer. This will help him or her take steps to prevent an accident or illness. You can do this in three ways:
  1. First report your concerns to your supervisor.

2. If he or she is unable to respond and you still have questions, ask your safety representative or a member of the safety committee. (See the section on safety committees for information on where these are required.)
  3. If the problem is still not solved report it to the OHS Division of WCB at 902-368-5697. If there is an immediate hazard after hours use the 24 hour emergency toll free number 902-628-7513.
- You must take every precaution to protect your health and safety as well as that of your co-workers. This may mean using personal protective equipment such as safety glasses, steel toed boots or hearing protection. It also means following safe work procedures at all times.
  - You must also co-operate with your health and safety committee or representative and OHS officials when they visit your workplace.

## What are the Responsibilities of an Employer?

Employers have a greater responsibility for health and safety because they control what gets done and have the power to make changes. Employers, managers and supervisors must be familiar with the Act and regulations as they apply to the work being done and ensure compliance. Employers are responsible to take every reasonable precaution to ensure the health and safety of everyone at or near the workplace. For more information on who has responsibilities consult the OHS Act or the Guide to the Act available from the WCB web site or the WCB office.

### Employers must:

- **Maintain Equipment:**  
Make sure tools, equipment, machines and materials are safe for workers to use.
- **Make Workers Aware:**  
Communication is extremely important. Everyone in the workplace must have access to health and safety information. Ensure that workers are familiar with health or safety hazards. Ensure WHMIS regulations are followed for all controlled chemicals used in the workplace. Display a copy of the Act and regulations and post the phone number where OHS can be reached.

Display any orders received from OHS or information pertaining to health and safety in a place where employees can read it.

The names and contact information for all current health and safety committee members or representatives must be posted.

- **Train and Supervise:**  
Employers must provide the information, instruction, training and supervision necessary to protect a worker's health and safety. Supervision must also be provided to ensure the training is effective and safe work practices are followed.
- **Provide Personal Protective Equipment:**  
Employers must make sure workers have the right equipment to do the job safely and that the equipment is maintained in good condition. Workers must be shown the correct way to use the equipment and its use must be supervised.
- **Cooperate with Safety Committees and Representatives:**  
Employers must co-operate with the health and safety committee or representative. This may mean reporting hazards or incidents or discussing safe work procedures. When an OHS Officer visits your workplace you must co-operate as well, demonstrate tasks if asked or show him/her the facility.
- **Report Accidents:**  
Immediately report all serious workplace injuries. This reporting is separate from Workers Compensation reporting requirements. Serious injuries include: unconsciousness, substantial loss of blood, a fracture of a leg, arm, hand or foot, amputation of a leg, arm, hand or foot, burns to a major portion of the body, loss of sight in an eye, any time a life is placed in jeopardy and any explosion regardless of injury.

## What are Joint Health and Safety Committees?

All workplaces with more than 19 persons employed more than three months a year must maintain a committee. The committee is expected to meet once a month and post minutes of each meeting.

At least half of the health and safety committee must be made up of employees with no supervisory duties. Up to half of the committee must be supervisors or management. The reason for having committees is to improve communication about hazards in the workplace and help get them resolved. For more information consult the Guide to Health and Safety Committees available at [www.wcb.ca](#) or visit the WCB and request a copy.

## What are Health and Safety Representatives?

Workplaces with between 5 and 19 regular employees must appoint a safety representative chosen by employees from employees with no supervisory responsibility. This person meets regularly with a supervisor to discuss health and safety related issues. The representative's job is to bring employee concerns about health and safety to the owner or manager's attention.

Often the persons doing the work are more aware of problems than the manager. The purpose of having a representative is to have a formal way of communicating concerns. For more information consult the Guide to Health and Safety Representatives.

## What Do Health and Safety Committees and Representatives Do?

Committees or safety representatives and a supervisor meet regularly to identify health and safety hazards and discuss solutions. Their duties are to:

- identify health and safety hazards
- see that health and safety requirements are met
- receive complaints, investigate them and make recommendations to the employer
- participate in regular inspections of the workplace
- offer advice, in consultation with co-workers, about personal protective equipment
- review safety policies or programs, where they exist, and make recommendations to the employer
- inform workers and the employer of existing or potential hazards at the workplace and of the nature of the risks to their health and safety
- keep records and minutes of meetings and post them

The Act requires an employer who receives a written request from a safety committee or representative to respond within thirty days with a proposed solution.

## What is a Health and Safety Policy?

A Health and Safety Policy expresses the employer's commitment to health and safety. It is required in all workplaces with more than five employees. The purpose is to state a commitment to accident and illness prevention. The policy outlines who in the organization is responsible for each aspect of accident or illness prevention.

For more information consult the Guide to Health and Safety Policy available at OHS or the WCB office.

## What is a Health and Safety Program?

A Health and Safety program is a written document outlining details of prevention activities in the workplace. Every employer with more than twenty employees is required to develop one.

The purpose of having a program is to have a clear outline of everyone's responsibilities in injury prevention. It will include a list of hazardous tasks and procedures on how to work safely. It will also outline processes for doing workplace inspections and accident investigations.

The people doing the work are the people who know the hazards. For this reason it is important that everyone in the workplace has an opportunity to have input into the program. You may be asked to provide information on any risks or accidents you become aware of in relation to your job. You may also be asked to help find a safer way to do the work. For more information call the OHS Education Officer at 368-5698 and consult the Guide to OHS Programs available at [www.wcb.pe.ca](http://www.wcb.pe.ca) OHS .

## Why Would My Workplace Be Inspected by an OHS Officer?

**1. General Inspection** - An officer might drop in to your workplace unannounced to conduct an inspection. General inspections can be random or planned. Employers with higher accident rates will likely be inspected more often, as will those who have workers in high-risk jobs.

**2. Accident Investigation** - Officers may come to investigate accidents that have been reported to WCB. The purpose of an accident investigation is to find out how to prevent this from happening again. Serious injuries or fatal accidents are investigated immediately.

**3. Work Refusal or Complaint** - OHS officers respond immediately to work refusals. Complaints are prioritized according to the level of seriousness.

**4. Invitation by Employer** - Proactive employers often ask for inspections, as a way of receiving expert advice on accident prevention.

## The Powers of an Occupational Health and Safety Officer

to enter any workplace at any reasonable time without giving notice  
to conduct investigations  
to request records and copy documents  
to take samples and seize items  
to question the employer or workers

## What Happens During an Inspection?

The OHS Officer asks an employee or employer representative or a safety committee member to accompany him on the inspection.

The Officer then inspects your work site for health and safety hazards specific to your industry. These might involve fall protection for workers who are working at heights; personal protective equipment, such as safety boots, glasses or gloves; ventilation in industrial settings; or the use of hazardous materials. An Officer might look closely at guarding, floor drains, ventilation, fire extinguishers, or the ergonomic design of work stations.

OHS Officers are careful to document the entire inspection process. They prepare a computerized inspection report and give it to the employer to be signed. Copies of reports and orders must also be available to committees or representatives. They must also be posted in the workplace.

## **What Happens If Violations Are Discovered During a Workplace Inspection?**

If there is a safety violation discovered in your workplace, the officer will try to determine the reason for it - for example lack of training, poor maintenance practices or defective equipment - so that the problem can be remedied. If the officer has found an infraction of the OHS Act, the employer will receive a computer generated order that clearly outlines violations that have been identified. It will include a due date for the order to be complied with. The order will include the text of the relevant section of the OHS Act. If the officer finds no infractions during the inspection, the employer will receive an inspection report outlining all issues discussed.

## **What Is a Stop Work Order and When Would it Be Issued?**

A Stop Work Order forces an employer to stop all work within a specific area until a safety problem is corrected. For example, in a case where workers were in a three metre trench and there were no barriers to prevent a cave in, the officer would issue a Stop Work Order in the trench. The employer would have to fix the safety problem before anyone could work in that trench. A Stop Work Order could also be broadened to include an entire building if, for example, there was a gas leak .

## **What Happens If an Order Is Not Complied With?**

On the rare occasion when an employer does not comply with an order, the OHS Officer then prepares court briefs for the Crown Attorney to use in prosecution. The court can levy a fine of up to \$50,000 and/or a jail term of up to one month. An additional fine of up to \$5,000 can be levied for each additional day the offence continues. The Director of OHS can request an injunction from a judge of the Supreme Court to stop the work if the Stop Work Order was ignored.

## **What about the Health Side of Health and Safety?**

The health side of health and safety includes concerns such as chemical safety, air quality, noise monitoring or respirator requirements. The officers have training and equipment to help detect, monitor and solve health issues in the workplace. The hygiene officer may conduct initial air quality monitoring and issue a report or orders for further monitoring if a workplace does not appear to be in compliance with the regulations relating to these areas.

## **What Does the Education Officer Do?**

The Education Officer assists workplaces and employers to comply with the Act. Education sessions are offered for employers or safety committees to help them develop health and safety programs or a process to reduce accidents. This could be education on health and safety committee function, accident investigation, rights and responsibilities, workplace inspection, health and safety program development, prevention of soft tissue injuries or principles of ergonomics.

## **What Does the Youth Education Co-ordinator Do?**

The Youth Education Co-ordinator is working to integrate occupational health and safety principles into our education system and to increase awareness of health and safety issues for young workers. The co-ordinator works closely with curriculum consultants in the Department of Education to include health and safety information .

## **What Can I Do?**

The people doing the work know the most about what is happening. They know about the little things that almost cause accidents or make them wonder about the effects on their health. An effective safety system depends on workers bringing these to the attention of the safety committee, representative or supervisor. The boss may not always know what is happening in the day to day activities or what the risks are. For example, doing repeated lifting all day may result in soreness that is not noticeable except by the person doing the work.

## Things you can do:

- **Join your committee and contribute your experience and ideas!**
- **Notice ways you can do things that will make your work safer and tell your supervisor, a committee member or representative.**
- **Follow safe work procedures. They are there for a reason and in the long run will keep you healthy and safe.**

## All Accidents Are Preventable!

Statistics show that some workplaces have high rates of accidents while others, with similar work have none. The differences are in how workplace health and safety is managed. Research and practice has shown that workplaces with good communication and safety programs not only reduce accidents and illness, they have better quality and production rates as well.

To reach this goal employers and employees must co-operate and communicate. The people doing the work know the risks. If these risks are acknowledged and safer work procedures are used, accidents are prevented.

The OHS division would be pleased to assist you in making your workplace a healthier place to be. For more information call the OHS Division at the numbers on the cover of this document or see Occupational Health & Safety publications on the WCB web site at [www.wcb.pe.ca](http://www.wcb.pe.ca).

**To report critical  
workplace injuries  
call toll free 1-800-237-5049  
or after work hours  
Call the OHS emergency line  
628-7513**

The Occupational Health and Safety Act applies to all workplaces. The regulations can exempt some types of work. Farming operations and workplaces with less than 3 employees are currently exempt by regulation. A workplace is defined as any place where an employee is engaged in work. This can be an office, home, vehicle or roadside.



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