# HN1400 – OHS

# Chapter 2– Legislative framework

# Chapter Objectives

**After reading this chapter, you will be able to do the following:**

1. Describe the regulatory framework surrounding occupational health and safety.
2. Outline the duties of the major players under occupational health and safety legislation.
3. Describe the structure and role of joint health and safety committees.
4. List and describe the three central elements of a WHMIS program.
5. Describe the purpose and basic provisions of the transportation of dangerous goods acts.

**Chapter Summary**

Chapter 2 begins with a discussion on the regulatory framework and common elements for occupational health and safety in federal, provincial, and territorial jurisdictions. It provides websites to Canadian government departments responsible for occupational health and safety. Accessing these websites provides you with the legal structure for your particular jurisdiction. The chapter focuses on the legal duties and responsibilities of the major stakeholders in occupational health and safety and expands on the requirements and functions of occupational health and safety committees. The chapter concludes by giving an overview of WHMIS, environmental and transportation of dangerous goods legislation, and Bill C-45.

**The Jurisdictional issue**

Because of the nature of the Canadian federation, labour issues have been deemed to be a provincial jurisdiction, unless directly specified as federal. This has resulted in a pathwork of OHS legislation in Canada.

Terminologies

* + Act – a law
  + Regulations – specifies how the Act is applied or enforced
  + Guidelines and policies – more specific than regulations
  + Standards and codes – national or international uniform guidelines

**The Scope of OHS Legislation**

* Scope depends on jurisdiction
* All employers are obliged to take reasonable precautions to ensure safety of an employee
* All Canadian OHS contains:
* An act
* Powers of enforcement
* The right of workers to refuse unsafe work
* Protection of workers from reprisals
* Duties and responsibilities of employers and others
* Establishment of joint labour/mgmt. safety committees
* Health and safety policies
* Accident prevention programs
* Need for managers to be familiar with the administrative structure
* Mandatory to take reasonable precautions
* Not static legislation

**Duties and Responsibilities of Major Players**

* **Duties of Employers/Owners/Contractors**
  + Ensure equipment is provided and maintained
  + Appointing a competent supervisor
  + Provide info in an emergency
  + Informing of potential hazards
  + Posting OHS act
  + Prepare and maintain an OHA policy
* **Duties of Supervisors**
  + Ensure compliance
  + Ensure safety equipment
  + Advise workers of potential hazard
  + Provide written instructions
  + Take safety precautions
* **Duties of Workers**
  + Comply with OHS act/regs
  + Proper use of safety equipment
  + Reporting hazards
  + Reporting contraventions of act
* **Role of Joint OHS Committee**

**Work Refusals**

* All workers can refuse unsafe work without fear of reprisals

**Workplace Hazardous Material Information System (WHMIS)**

* The Three Elements of WHMIS
  + Labels – training - Enforcement
* WHMIS Controlled Substances
* Product Labels
* Workplace Label
* Material Safety Data Sheet

**Corporate Liability**

* Fines
* Cleanup costs

The Legacy of Westray

• ON SEPT. 11, 1991 TORONTO-BASED CURRAGH RESOURCES INC. OPENED WESTRAY MINE IN THE SMALL TOWN OF PLYMOUTH, N.S. TOUTED AS A "STATE OF THE ART" OPERATION, THE MINE UTILIZED THE LATEST IN SAFETY MONITORING DEVICES AND COMPUTERIZED EQUIPMENT.

• THE DEVELOPMENT OF WESTRAY MINE WAS SUPPORTED BY THE PROVINCIAL AS WELL AS FEDERAL GOVERNMENT DESPITE A HISTORY OF HIGH FATALITIES IN THE CANADIAN MINING INDUSTRY.

• AT 5:18 A.M. ON MAY 9, 1992, THE WESTRAY MINE EXPLODED KILLING ALL 26 MINERS WHO WERE UNDERGROUND AT THE TIME. THE STRENGTH OF THE BLAST BLEW OFF THE TOP OF THE MINE AND DESTROYED STEEL SUPPORT BEAMS. PLYMOUTH RESIDENTS FELT THEIR HOMES SHAKE AND WINDOWS SHATTER.

• THE EXPLOSION CAUSED THE BANKRUPTCY OF CURRAGH RESOURCES INC. THAT HAD A NEGATIVE EFFECT ON THE ECONOMY OF NOVA SCOTIA, AS WELL AS THAT OF YUKON TERRITORY WHERE CURRAGH HAD ADDITIONAL MINING VENTURES. DUE TO THE EXPLOSION THE COMPANY WAS UNABLE TO PAY BACK EXTENSIVE LOANS TO THE PROVINCE OF NOVA SCOTIA AS WELL AS THE FEDERAL GOVERNMENT.

• IN 2002, THE NAMES OF THE 26 MINERS WHO DIED AT WESTRAY WERE READ IN FRONT OF PARLIAMENT HILL IN AN ATTEMPT TO FORCE THE JUSTICE COMMITTEE OF THE HOUSE OF COMMONS TO MAKE CHANGES TO THE CRIMINAL CODE. THE PROTESTERS ARGUED THAT CORPORATIONS AND THEIR EXECUTIVES SHOULD BE HELD MORE ACCOUNTABLE FOR WORKPLACE SAFETY.

• ALTHOUGH CHARGES OF CRIMINAL NEGLIGENCE CAUSING DEATH AND CHARGES OF MANSLAUGHTER WERE LAID AGAINST TWO MINE MANAGERS, THE TRIAL FELL APART DUE TO TECHNICALITIES.

• A MEMORIAL COMMEMORATING THE LOST MINERS SITS IN A SMALL PARK IN NEW GLASGOW, PICTOU COUNTY, N.S. THE MINE ITSELF WAS RAZED IN 1998, AND ITS REMAINING ENTRY POINTS WERE SEALED.

• IN 2000, PANCANADIAN PETROLEUM ACQUIRED THE RIGHT TO EXTRACT METHANE GAS FROM THE WESTRAY MINE AREA.

**Resource Links**

***Vignette Hebron 7 Health and Safety***

<http://www.hebronproject.com/safety,-security,-health,--environment.aspx>

<http://www.thetelegram.com/Business/2011-12-06/article-2826250/Changing-the-health-and-safety-model/1>

***The OHS ACT***

[www.gov.nl.ca/gs/ohs](http://www.gov.nl.ca/gs/ohs)

<http://www2.worksafebc.com/Safety/Home.asp?_ga=1.143603253.1254966550.1421162144>

***WHMIS***

* Video 1 Overview <http://youtu.be/TvjpwYOsTvQ>
* Video 2 Classification <https://www.youtube.com/watch?v=TnWixPrFzn4>
* Video 3 Labels <https://www.youtube.com/watch?v=46Z4sHfS9e0>
* Video 4 MSDS <http://youtu.be/BQrEhEZOGCI>
* Video 5 Education <http://youtu.be/jxsfMavMLvE>

***Dangerous Goods***

Act: <http://assembly.nl.ca/legislation/sr/statutes/d01.htm>

Video: <http://youtu.be/ecNpTxDeF7E>

Corporate liability