

# **Canada-Nova Scotia Offshore Petroleum Board**

## *Nova Scotia Offshore Petroleum Occupational Health & Safety Requirements*

**December 2000**

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## **ELEMENT 1**

### **RIGHTS, RESPONSIBILITIES, AND REGULATORY MECHANISMS**

## **PART 1: GENERAL**

### **Interpretation**

**1.1 (1)** In these Requirements,

“accident” means an incident that results in a hazard causing harm to a worker.

"Accord Acts" means the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act.

“aggrieved person” means an operator, employer, contractor, employee, self-employed person, owner, supplier, provider of an occupational health or safety service, engineer or union at a workplace who is directly affected by an order or decision.

“Board” means the Canada-Nova Scotia Offshore Petroleum Board.

“certifying authority” has the same meaning as in section 2 of the Nova Scotia Offshore Certificate of Fitness Regulations.

“Chief Safety Officer” means the person designated by the Board as the Chief Safety Officer pursuant to the Accord Acts.

“committee” means a joint occupational health and safety committee.

“compliance notice” means a response, in writing, to an order of a safety officer, describing the extent to which the person against whom the order was made has complied with each item identified in the order.

“contractor” means a person who contracts for work to be performed in a workplace, including installations, but does not include a dependent contractor.

“contracts for work” includes contracting to perform work and contracting to have work performed.

“danger” means any existing or potential practice or condition or any current or future set of circumstances that poses an unacceptably high risk with respect to causing injury or illness to a person, whether or not the injury or illness occurs immediately or results in delayed effects that are deleterious to health or safety.

“Declaration” means a declaration of operator as required by Section 143.1 of the Federal Accord Act and Section 136.A1 of the Nova Scotia Accord Act.

“dependent contractor” means a person, whether or not employed under a contract of employment and whether or not furnishing the person’s own tools, vehicles, equipment, machinery, material or any other thing, who performs work or services for another on such terms and conditions that the person is

- (a) in a position of economic dependence upon the other,
- (b) under an obligation to perform duties mainly for the other, and
- (c) in a relationship with the other more closely resembling that of an employee than an independent contractor.

"employee" means a person who is employed by, or contracted to perform work under the supervision of, an employer, and includes a dependent contractor.

"employer" means a person who employs one or more employees or contracts for the services of one or more employees, and includes a contractor or subcontractor.

"hazard" means any existing or potential practice or condition or any current or future set of circumstances associated with injury or illness to a person, whether or not the injury or illness occurs immediately or results in delayed effects that are deleterious to health or safety.

"health" means the absence of physical disease or infirmity or mental illness arising out of, linked with or occurring in the course of employment, and, for the purposes of this definition, the effects of ordinary work place stress are not considered to be a physical disease or infirmity or mental illness.

"high potential incident" means an incident not causing loss or damage but, under different circumstances would result in an accident.

"incident" means an occurrence that could or does result in a health or safety hazard causing harm or damage including an accident or high potential incident.

"installation" means a diving installation, a drilling installation, a production installation or an accommodation installation as defined by the Nova Scotia Offshore Petroleum Installation Regulations.

"occupation" means any employment, business, calling or pursuit.

"offshore area" means the lands and submarine areas within the limits described in Schedule 1 of the Accord Acts.

"offshore installation manager" means a person put in command of an installation by an operator pursuant to the Accord Acts.

"operator" means the holder of an authorization to carry on a work or activity under the Accord Acts.

"owner" includes a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of lands or premises used as a workplace and a person who acts for, or on behalf of, an owner as an agent or delegate.

"practicable" means possible, given current knowledge, technology and invention.

"professional engineer" has the same meaning as in the Engineering Profession Act (Nova Scotia).

"program" means an occupational health and safety program required pursuant to paragraph 4.1(4)(c) of these Requirements, unless the context otherwise requires.

"qualified person" means a person who is

- (a) qualified because of the person's knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of every person in the workplace, and
- (b) knowledgeable about the provisions of the Accord Acts and Requirements that apply to the assigned work, and about hazards associated with the assigned work.

"reasonably practicable" means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty.

"regularly employed" includes seasonal employment with a predictably recurring period of employment that exceeds four weeks, unless otherwise ordered by a safety officer.

“representative” means a health and safety representative selected pursuant to these Requirements, unless the context otherwise requires.

“risk” means a measure of probability and severity of a hazard.

“risk analysis” means the systematic use of information to identify hazards and to estimate the chance for, and severity of the hazard with respect to worker health and safety.

“risk assessment” means the overall process of risk analysis and risk evaluation.

“risk evaluation” means the process by which risks are examined in terms of acceptability of the risk considering

- (a) regulatory requirements,
- (b) needs, issues, and concerns of those affected by, or potentially affected, by the risk, and
- (c) what is reasonably practicable under the given circumstances.

“risk control strategy” means an action or series of actions intended to reduce the frequency and/or severity of hazards in the workplace, including a decision not to pursue the activity.

“safety” means protection from danger arising out of, linked with or occurring in the course of employment.

“safety officer” means a safety officer appointed by the Board under the Accord Acts.

“self-employed person” means a person who is engaged in an occupation on that person’s own behalf but does not include a dependent contractor.

“supervisor” means a person who has charge of a workplace or authority over a worker.

“supplier” means a person who manufactures, supplies, sells, leases, distributes or installs any tool, equipment, machine or device or any biological, chemical or physical agent to be used by an employee.

“system” means occupational health and safety management system required pursuant to these Requirements, unless the context otherwise requires.

“workplace” means any working area, or place, including an installation or marine vessel, where an employee is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used or likely to be used by an employee in an occupation.

(2) Any standard or code that is incorporated by reference in these Requirements is incorporated as amended from time to time.

### **Application and Purpose**

**1.2 (1)** These Requirements are made by the Board in accordance with and subject to the Accord Acts and apply to all activities authorized by the Board under the Accord Acts

(2) The purpose of these Requirements is to define duties and responsibilities for all parties involved with the exploration for and exploitation of petroleum in the offshore area and to provide a framework for participation, transfer of information, and refusal of unsafe work.

## **Records and Reports**

**1.3** (1) Where these Requirements require that the operator or employer give a notification to a safety officer, the operator or employer is also required to give the same notification to the committee or representative, if any.

(2) Subject to Part 12, where the operator or employer is required by these Requirements to keep a record, report or other document, the operator or employer shall keep it in such a manner that it is readily available for examination by the employees, the committee or representative, if any, and the safety officer.

## **PART 2: ALLOCATION OF RESPONSIBILITY**

### **Aid to interpretation**

**2.** Pursuant to these Requirements, the general allocation of responsibility for occupational health and safety in the offshore area

(a) is based on the principle that

(i) operators are the primary contact for the Board on all matters related to activities authorized under the Accord Acts and have the primary responsibility for ensuring the health and safety of persons who are engaged in activities related to an authorization granted pursuant to the Accord Acts; and

(ii) operators, employers, contractors, supervisors, employees and self-employed persons at a workplace, and the owner of a workplace, a supplier of goods or provider of an occupational health or safety service to a workplace, certifying authority, or professional engineer, all of whom can affect the health and safety of persons at the workplace, also share responsibility for ensuring the health and safety of persons at the workplace and that the primary responsibility for creating and maintaining a safe and healthy workplace should be that of each of these parties, to the extent of each party's ability and authority to do so, including co-operation between each of these parties and the operator;

(b) is based on a framework of rights addressing participation, transfer of information and refusal of unsafe work with protection from reprisals, all of which are necessary for the parties to carry out their responsibilities pursuant to these Requirements; and

(c) is supplemented by the role of the Board, which is not to assume responsibility for creating and maintaining safe and healthy workplaces, but to

(i) establish and clarify the responsibilities of the parties;

(ii) support them in carrying out their responsibilities; and

(ii) intervene appropriately when those responsibilities are not carried out.

## **PART 3: PRECAUTIONS AND DUTIES**

### **Operator Precautions and Duties**

- 3.1** (1) Every operator shall take every precaution that is reasonable in the circumstances to ensure
- (a) the health and safety of persons at or near the workplace;
  - (b) the provision and maintenance of equipment, machines, materials or things that are properly designed and equipped with safety devices;
  - (c) the provision of such information, instruction, training, competency assurance, supervision and facilities as are necessary to the health and safety of the employees;
  - (d) that the employees, and particularly the supervisors, are made familiar with any health or safety hazards that may be met by them at the workplace;
  - (e) that the employees are made familiar with the proper use of all devices, equipment and clothing required for their protection;
  - (f) that employer's undertakings are conducted so that employees are not exposed to health or safety hazards as a result of the undertaking;
  - (g) that the activities of contractors, employers, and self-employed persons are coordinated; and,
  - (h) communication of information necessary to the health and safety of persons, and facilitate communication with any committee or representative required pursuant to these Requirements.
- (2) Every operator shall
- (a) comply with the conditions described in the Declaration and ensure that employers, contractors, suppliers, employees, supervisors, self-employed persons, owners, providers of service, certifying authorities, engineers, and qualified persons are made familiar with the conditions described in the Declaration submitted in accordance with the Accord Acts;
  - (b) comply with these Requirements and ensure that employers, contractors, suppliers, employees, supervisors, self-employed persons, owners, providers of service, certifying authorities, engineers, and qualified persons are made familiar with and comply with these Requirements;
  - (c) where an occupational health and safety system, policy, or program is required pursuant to these Requirements, ensure the establishment and maintenance of the occupational health and safety system, policy, or program;
  - (d) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;
  - (e) co-operate with any person performing a duty imposed or exercising a power conferred by these Requirements; and,
  - (f) ensure the provision of such additional training of committee members as may be prescribed by the regulations.

### **Employer Precautions and Duties**

**3.2** (1) Every employer shall take every precaution that is reasonable in the circumstances to

- (a) ensure the health and safety of persons at or near the workplace;
- (b) provide and maintain equipment, machines, materials or things that are properly designed and equipped with safety devices;
- (c) provide such information, instruction, training, competency assurance, supervision and facilities as are necessary to the health or safety of the employees;
- (d) ensure that the employees, and particularly the supervisors, are made familiar with any health or safety hazards that may be met by them at the workplace;
- (e) ensure that the employees are made familiar with the proper use of all devices, equipment and clothing required for their protection; and
- (f) conduct the employer's undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking.

(2) Every employer shall

- (a) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;
- (b) co-operate with any person performing a duty imposed or exercising a power conferred by these Requirements;
- (c) provide such additional training of committee members as listed in these Requirements;
- (d) comply with these Requirements and ensure that employees at the workplace comply with these Requirements; and
- (e) where an occupational health and safety system, policy, or program is required pursuant to these Requirements, establish the occupational health and safety system, policy or program.

### **Contractor Precautions and Duties**

**3.3** Every contractor shall take every precaution that is reasonable in the circumstances to ensure

- (a) the health and safety of persons at or near a workplace;
- (b) that the activities of the employers and self-employed persons at the workplace are co-ordinated;
- (c) communication between the employers and self-employed persons at the workplace of information necessary to the health and safety of persons at the workplace;
- (d) that the measures and procedures prescribed pursuant to these Requirements are carried out at the workplace; and
- (e) that every employee, self-employed person and employer performing work at the workplace complies with these Requirements

### **Supplier Precautions and Duties**

**3.4** Every supplier shall take every precaution that is reasonable in the circumstances to

- (a) ensure that any device, equipment, machine, material or thing supplied by the supplier is in safe condition, and in compliance with these Requirements when it is supplied;
- (b) where it is the supplier's responsibility under a leasing agreement to maintain it, maintain any device, equipment, machine, material or thing in safe condition and in compliance with these Requirements; and
- (c) ensure that any biological, chemical or physical agent supplied by the supplier is labelled in accordance with the applicable federal and provincial law.

### **Employee Precautions and Duties**

**3.5** (1) While at work, every employee, including every supervisor, shall

- (a) take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace;
- (b) co-operate with the employer and with the employee's fellow employees to protect the employee's own health and safety and that of other persons at or near the workplace;
- (c) take every reasonable precaution in the circumstances to ensure that protective devices, equipment or clothing required by the employer or these Requirements are properly used or worn;
- (d) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;
- (e) co-operate with any person performing a duty or exercising a power conferred by these Requirements; and
- (f) comply with these Requirements.

(2) Where an employee believes that any condition, device, equipment, machine, material or thing or any aspect of the workplace is or may be dangerous to the employee's health or safety or that of any other person at the workplace, the employee shall

- (a) immediately report it to a supervisor;
- (b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and
- (c) where the matter is not remedied to the employee's satisfaction after the employee reports in accordance with paragraphs (a) and (b), report it to the Chief Safety Officer.

### **Supervisor Additional Precautions and Duties**

**3.6** (1) A supervisor shall ensure that an employee,

- (a) works in the manner and with the protective devices, measures and procedures required by these Requirements; and

(b) uses or wears the protective devices, equipment, or clothing required by the employer or these Requirements or worn.

(2) Without limiting the duty imposed by subsection (1) a supervisor shall,

(a) advise an employee of the existence of any hazard posed to worker health and safety;

(b) where so required by the employer or these Requirements, provide an employee with written instructions as to the measures and procedures to be taken for protection of the employee; and

(c) take every precaution that is reasonable in the circumstance for the protection of an employee.

### **Self-Employed Person Precautions and Duties**

**3.7** Every self-employed person shall

(a) take every reasonable precaution in the circumstances to protect the self-employed person's own health and safety and that of other persons who may be affected by the self-employed person's undertaking;

(b) co-operate with any employer, joint occupational health and safety committee or health and safety representative that may be found at a place at which the self-employed person conducts an undertaking, to protect the self-employed person's own health and safety and that of other persons who may be affected by the undertaking;

(c) co-operate with any person performing a duty or exercising a power conferred by these Requirements; and

(d) comply with these Requirements.

### **Owner Precautions and Duties**

**3.8** Every owner shall

(a) take every precaution that is reasonable in the circumstances to provide and maintain the owner's facilities, equipment, marine vessels, or aircraft being or to be used as a workplace

(i) in a manner that ensures the health and safety of persons at or near the workplace, and

(ii) in compliance with these Requirements; and

(b) give to the operator and employer at the workplace the information that is known to the owner or that the owner could reasonably be expected to know that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace.

### **Provider of Service Precautions and Duties**

**3.9** Every person or body who, for gain, is a provider of an occupational health or safety service shall take every precaution that is reasonable in the circumstances to

(a) ensure that no person at a workplace is endangered as a result of the provider's activity; and

(b) ensure, where the service involves providing information, that the information provided, at the time that it is provided, is accurate and sufficiently complete to enable the recipient to make a competent judgement on the basis of the information.

### **Certifying Authority and Engineer Precautions and Duties**

**3.10** (1) A certifying authority or professional engineer who gives advice, stamps a document, or issues a certificate, shall take every precaution that is reasonable in the circumstances to ensure that a person who is likely to rely on the advice, stamp, or certificate will not be in contravention of these Requirements as a result of such reliance.

(2) Where a certifying authority or professional engineer who gives advice, stamps a document, or issues a certificate negligently or incompetently and a person at a workplace is endangered thereby, the certifying authority or professional engineer contravenes these Requirements.

### **Nature and Extent of Duties and Requirements**

**3.11** (1) A specific duty or requirement imposed by these Requirements does not limit or reduce the generality of any other duty or requirement imposed by the Accord Acts, including the overall duty of the operator to ensure the health and safety of all persons who are engaged in activities as authorized by the Board.

(2) Where a provision of these Requirements imposes a duty or requirement on more than one person, other than the operator, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of authority and ability to control the matters that are the subject of the duty or requirement.

(3) Notwithstanding subsection (2), but subject to subsection (5), where the person with the greatest degree of control fails to comply with a duty or requirement referred to in subsection (2), the other person or persons on whom the duty or requirement lies shall, where possible, comply with the provision.

(4) Where the person with the greatest degree of control complies with a provision described in subsection (2), the other persons are relieved of the obligation to comply with the provision only

(a) for the time during which the person with the greatest degree of control is in compliance with the provision;

(b) where simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense; and

(c) where the health and safety of persons at the workplace is not put at any greater risk by compliance by only one person.

(5) Where the person with the greatest degree of control fails to comply with a provision described in subsection (2) but one of the other persons on whom the duty or requirement is imposed complies with the provision, the other persons, if any, to whom the provision applies are relieved of the obligation to comply with the provision in the circumstances set out in paragraphs (4)(a) to (c) with the necessary modifications.

## **PART 4: OCCUPATIONAL HEALTH & SAFETY POLICY, PROGRAM & MANAGEMENT SYSTEM**

### **Occupational Health and Safety Policy**

#### **4.1 (1) Where**

- (a) five or more employees are regularly employed by an employer other than a contractor;
- (b) five or more employees are regularly employed directly by a contractor, not including employees for whose services the contractor has contracted; or
- (c) a safety officer so orders,

the employer shall prepare and review, at least annually, a written occupational health and safety policy, in consultation with the committee or representative, if any.

(2) Where these Requirements do not require there to be a committee at a workplace, consultation on the development of the policy shall be carried out by the employer and shall include discussion of the proposed policy at one or more workplace health and safety meetings involving the employees.

(3) The policy shall express the employer's commitment to occupational health and safety and shall include

- (a) the reasons for the employer's commitment to health and safety;
- (b) the commitment of the employer to co-operate with the employees in pursuing occupational health and safety; and
- (c) the responsibilities of the employer, supervisors and other employees in fulfilling the commitment required pursuant to paragraph (b).

### **Occupational Health and Safety Program**

#### **4.2 (1) Where**

- (a) twenty or more employees are regularly employed by an employer other than a contractor;
- (b) twenty or more employees are regularly employed directly by a contractor, not including employees for whose services the contractor has contracted; or
- (c) these Requirements require an occupational health and safety program,

the employer shall establish and maintain a written occupational health and safety program, in consultation with the committee or representative, if any, that is adapted to the circumstances of the organization for the purpose of implementing the employer's policy and these Requirements.

(2) The program shall include

- (a) provision for the training and supervision of employees in matters necessary to their health and safety and the health and safety of other persons at the workplace;
- (b) provision for the preparation of written work procedures required to implement safe and healthy work practices, including those required pursuant to these Requirements or by order of an officer, and identification of the types of work for which the procedures are required at the employer's workplace;

(c) provision for the establishment and continued operation of a committee required pursuant to these Requirements, including maintenance of records of membership, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under these Requirements to be maintained in relation to a committee;

(d) provision for the selection and functions of a representative where required pursuant to these Requirements, including provision for access by the representative to a level of management with authority to resolve health and safety matters;

(e) a hazard identification system that includes

(i) evaluation of the workplace to identify potential hazards,

(ii) procedures and schedules for regular inspections,

(iii) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and

(iv) identification of the circumstances where hazards must be reported by the employer to the committee or representative, if any, and the procedures for doing so;

(f) a system for workplace occupational health and safety monitoring, prompt follow-up and control of identified hazards;

(g) a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;

(h) maintenance of records and statistics, including reports of occupational health and safety inspections and occupational health and safety investigations, with provision for making them available to persons entitled to receive them pursuant to these Requirements;

(i) provision for monitoring the implementation and effectiveness of the program.

(3) The employer shall make available a copy of the program

(a) to the committee or representative, if any; and

(b) on request, to an employee at the workplace.

### **Occupational Health and Safety Management System**

**4.3** (1) The operator shall establish and maintain a written occupational health and safety management system that is adapted to the circumstances of the organization for the purpose of

(a) implementing the operator's occupational health and safety policy;

(b) ensuring compliance with these Requirements; and

(c) meeting the conditions described in the Declaration.

(2) The occupational health and safety management system shall adopt the requirements of the

(a) occupational health and safety program as referred to in subsection 4.2(2); and

(b) Board Requirement #3150.002 – Operator's Safety Plan.

(3) Pursuant to subsection (1), the operator's occupational health and safety system shall, at a minimum and in addition to provisions listed in subsection (2), include provisions for

(a) an occupational health and safety policy that, at a minimum, effectively meets the requirement of subsection 4.1(3);

(b) definition, documentation, and communication of the roles, responsibilities, authorities, accountabilities and interrelations of all personnel required to effectively implement the occupational health and safety policy;

(c) evaluation and allocation of resources to ensure effective operation of the management system through, but not limited to,

(i) competency assurance;

(ii) contractor interfacing;

(iii) employee supervision and communication; and

(iv) document quality assurance and control;

(d) management of risk posed to health and safety through, but not limited to,

(i) procedures for the ongoing and systematic identification and reporting of hazards;

(ii) procedures for the assessment and evaluation of risk associated with identified hazards; and

(iii) procedures for the implementation of risk reduction measures to control those risks deemed unacceptable;

(e) planning of activities and procedures for use in proposed activities, management of change in operations, and response measures in the event of an emergency;

(f) monitoring and corrective action for relevant aspects of the occupational health and safety management system that include procedure for, but not limited to

(i) corrective action for non-compliance;

(ii) incident reporting and investigation; and

(iii) record keeping and statistical analyses;

(g) auditing of the adequacy and effectiveness of the Occupational Health and Safety Management System based on, but not limited to, the ability of the system to

(i) comply with the operator's occupational health and safety management system policy and procedures;

(ii) comply with relevant legislative requirements; and

(iii) identify areas for improvement and continuously improve; and

(h) operator and owner review of the occupational health and safety management system to ensure continued adequacy and effectiveness.

## **PART 5: JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEES**

### **Requirement for Committees**

**5.1** (1) At every workplace where twenty or more persons are regularly employed, the employer shall establish and maintain one joint occupational health and safety committee or, at the discretion of the operator or employer, more than one such committee.

(2) At a workplace where fewer than twenty persons are regularly employed, the Chief Safety Officer may

(a) consult with the operator, employer, and employees at the workplace regarding whether a committee should be formed at the workplace; and

(b) order that a committee be established.

(3) Where an order respecting establishment of a committee is given pursuant to subsection (2), the employer shall ensure that the committee is chosen and functioning in accordance with these Requirements within fifteen days of receipt of the order.

### **Composition and Procedure of Committee**

**5.2** (1) A committee shall consist of such number of persons as may be agreed to by the operator, the employer and the employees or their union or unions.

(2) At least half of the members of a committee shall be employees at the workplace who are not connected with the management of the workplace and the operator and employer may choose up to a collective total of one half of the members of the committee if the operator and employer wishes to do so.

(3) The employees on the committee are to be determined by the employees they represent, or designated by the union that represents the employees.

(4) A committee shall meet at least once each month unless

(a) a different frequency is prescribed under these Requirements; or

(b) the committee alters the required frequency of meetings in its rules of procedure.

(5) Where a committee alters the required frequency of meetings by its rules of procedure and the Chief Safety Officer is not satisfied that the frequency of meetings is sufficient to enable the committee to effectively perform its functions, the Chief Safety Officer shall by order, in writing, determine the frequency of meetings.

(6) An employee who is a member of a committee is entitled to such time off from work as is necessary to attend meetings of the committee, to take any training prescribed by these Requirements and to carry out the employee's functions as a member of the committee, and such time off is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.

(7) A committee shall establish its own rules of procedure and shall adhere to these Requirements.

(8) Unless a committee determines another arrangement for chairing the committee in its rules of procedure, two of the members of the committee shall co-chair the committee, one of whom selected by the members representing employees, and the other selected by the other members.

(9) The rules of procedure established pursuant to subsection (7) shall include an annual determination of the method of selecting the person or persons who shall

- (a) chair the committee; and
- (b) hold the position of chair for the coming year.

(10) Where agreement is not reached on

- (a) the size of the committee;
- (b) the designation of employees to be members; or
- (c) rules of procedure,

the Chief Safety Officer shall by order, in writing, determine the matter.

### **Functions of Committees**

**5.3** It is the function of the committee to involve operators, employers and employees together in occupational health and safety in the workplace and, without restricting the generality of the foregoing, includes

- (a) the co-operative identification of hazards and development of effective procedures to respond to the hazards;
- (b) the co-operative auditing of compliance with health and safety requirements in the workplace;
- (c) receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety;
- (d) participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in inspections referred to in section 11;
- (e) advising on individual protective devices, equipment and clothing that, complying with these Requirements, are best adapted to the needs of the employees;
- (f) advising the operator and employer regarding the occupational health and safety system, policy, program or procedures required pursuant to these Requirements and making recommendations to the operator, employer, employees, and any person for the improvement of the health and safety of persons at the workplace;
- (g) maintaining records and minutes of committee meetings in a form and manner approved by a safety officer and providing a safety officer with a copy of these records or minutes on request; and
- (h) performing any other duties assigned to it
  - (i) by the Chief Safety Officer, or
  - (ii) by agreement between the operator, employer, and the employees or the union, or
  - (iii) as are established by these Requirements.

## **PART 6: HEALTH AND SAFETY REPRESENTATIVES**

### **Requirement For and Function of Representatives**

**6** (1) At a workplace where no committee is required pursuant to section 5.1 and where the number of persons employed is five or more, the operator and employer shall cause the employees to select at least one health and safety representative from among the employees at the workplace who are not connected with the management of the workplace.

(2) At a workplace where fewer than five persons are employed, the Chief Safety Officer may

(a) consult with the operator, employer, and employees at the workplace regarding whether a representative should be selected at the workplace; and

(b) order that a representative be selected by the employees from among the employees at the workplace who are not connected with the management of the workplace.

(3) Where an order respecting the selection of a representative is given pursuant to subsection (2), the employer shall ensure that the representative is selected and functioning in accordance with these Requirements within fifteen days of receipt of the order.

(4) An employee who is a representative is entitled to such reasonable time off from work as is necessary to carry out the employee's functions as a representative, and such time off is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.

(5) It is the function of the representative to be involved, on behalf of the employees, together with the operator and the employer, in occupational health and safety in the workplace and, without restricting the generality of the foregoing, includes

(a) the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;

(b) the co-operative auditing of compliance with health and safety requirements in the workplace;

(c) receipt of and co-operation with the operator and employer in the investigation and prompt disposition of matters and complaints with respect to workplace health and safety;

(d) participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in an inspection referred to in Section 11;

(e) advising on individual protective devices, equipment and clothing which, complying with these Requirements, are best adapted to the needs of the employees;

(f) advising the operator and employer regarding the occupational health and safety system, policy, program or procedures required by these Requirements and making recommendations to the operator, employer, the employees and any person for the improvement of the health and safety of persons at the workplace; and

(g) performing any other duties assigned to the representative

(i) by the Chief Safety Officer,

(ii) by agreement between the operator, employer and the employees or the union, or

(iii) as are established by these Requirements.

## **PART 7: COMMUNICATION OF INFORMATION**

### **Response to Written Recommendations**

**7.1** (1) An operator or employer who receives written recommendations from a committee or representative and a request in writing to respond to the recommendations, shall respond in writing to the committee or representative within twenty-one days, and the response shall

- (a) indicate acceptance of the recommendations; or
- (b) give reasons for the disagreement with any recommendations that the employer does not accept,

or, where it is not reasonably possible to provide a response before the expiry of the twenty-one day period, provide within that time a reasonable explanation for the delay, indicate to the committee or representative when the response will be forthcoming, and provide the response as soon as it is available.

(2) Where the committee or representative makes a request pursuant to subsection (1) and is not satisfied that the explanation provided for a delay in responding is reasonable in the circumstances, the chair or co-chairs of the committee, or representative, as the case may be, shall promptly report this fact to a safety officer.

### **Duty of Operator and Employer to Provide Certain Information**

**7.2** (1) An operator and employer shall notify the committee or representative, if any, of the existence of reports of

- (a) workplace occupational health or safety inspections; and
- (b) workplace occupational health or safety monitoring or tests,

undertaken at the workplace by, or at the request of, a safety officer, the operator, or the employer, and, on request, the operator and the employer shall make the reports available to the committee or the representative.

(2) An operator and employer shall make available to an employee at a workplace, on request, reports of

- (a) workplace occupational health or safety inspections; and
- (b) workplace occupational health or safety monitoring or tests,

undertaken at the workplace by, or at the request of, a safety officer, the operator, or the employer.

(3) Within twenty-one days of receiving a request in writing from the committee, representative or, where there is no committee or representative, an employee at a workplace for any information of a health or safety nature other than that specified in subsection (1), the operator and the employer shall respond in writing and the response shall

(a) provide the requested information; or

(b) give reasons for not providing the information, in whole or in part,

and where it is not reasonably possible to provide a response before the expiry of the twenty-one day period, provide within that time a reasonable explanation for the delay, indicate to the committee, representative or employee when the response will be forthcoming and provide the response as soon as it is available.

(4) Where the committee, representative or employee makes a request pursuant to subsection (3) and is not satisfied that the explanation provided for a delay in responding is reasonable in the circumstances, the chair or co-chairs of the committee, the representative or the employee, as the case may be, shall promptly report this fact to a safety officer.

### **Safety Officer to Provide Certain Information**

**7.3** A safety officer shall provide to the operator and the employer at a workplace reports of

(a) workplace occupational health or safety audits and inspections; and

(b) workplace occupational health or safety monitoring or tests,

undertaken at the workplace by, or at the request of, a safety officer and the operator and the employer shall comply with subsections 7.2 (1) and (2).

### **Duty of Operator and Employer to Post Certain Information**

**7.4** The operator and employer shall

(a) post and maintain the current names of the committee members or the representative, if any, and the means of contacting them; and

(b) post promptly, where there is a committee, the minutes of the most recent committee meeting and ensure they remain posted until superseded by minutes of the next committee meeting.

### **Availability of Information at Workplace**

**7.5** (1) Every operator and employer shall

(a) make available for examination at the workplace

(i) a current copy of the Accord Acts, regulations, and these Requirements,

(ii) operator occupational health and safety management system,

(iii) where the employer is required pursuant to these Requirements to have an occupational health and safety policy or program, the occupational health and safety policy or program, and

(iv) information and reports that a safety officer considers advisable to enable employees to become acquainted with their rights and responsibilities pursuant to these Requirements; and

(b) post in a prominent place or places in the workplace capable of being easily accessed by the employees

(i) a current copy of these Requirements;

(ii) a current telephone number for reporting occupational health or safety concerns to the Board; and,

(iii) where the operator or employer is required pursuant to these Requirements to have an occupational health and safety policy, the occupational health and safety policy,

and ensure they remain posted.

(2) Where anything other than the information listed in subsection (1) is required to be posted pursuant to these Requirements, the person who has the duty to post shall

(a) post a legible copy of it in a prominent place or places in the workplace capable of being easily accessed by the employees; and

(b) ensure that it remains posted for at least seven days, or longer if additional time is necessary to enable employees at the workplace to inform themselves of the content, unless these Requirements otherwise specify,

or in lieu of complying with paragraphs (a) and (b), shall provide the information to each employee, in writing.

#### **Duty of Operator and Employer to Provide Certain Information**

**7.6 (1) Where**

(a) a safety officer makes an order pursuant to the Accord Acts;

(b) a compliance notice is required of an operator or employer pursuant to subsection 7.8(1);

(c) an appeal is initiated or disposed of pursuant to Part 14; or

(d) a review is requested pursuant to the Accord Acts

the operator and employer shall, subject to subsections (2) and (3), immediately

(e) post the order, compliance notice, notice of appeal, decision or request for review; and

(f) deliver a copy of the order, compliance notice, notice of appeal, decision or request for review to the committee or representative, if any.

(2) A safety officer may authorize in writing a safety officer's order to be edited to protect a trade secret, secret manufacturing process or confidential personal information.

(3) Where an order is edited pursuant to subsection (2), the authorization of the safety officer shall be affixed to the order and it shall be posted in accordance with these Requirements in substitution for the unedited order.

## **Service of Notice of Decision and Right to Appeal**

### **7.7 Where**

(a) a safety officer conducts an investigation of a work refusal by an employee pursuant to subsection 9.1(1) and the employee, employer, or operator is not satisfied with the advice provided by the safety officer or the failure to provide advice; or

(b) a complaint of an alleged contravention of these Requirements is investigated by a safety officer and the safety officer does not issue an order that, in the opinion of the complainant, is necessary for the health or safety of persons at the workplace,

and the operator, employer, employee or complainant so requests, the safety officer shall serve the operator, employer, employee or complainant, as the case may be, in writing, with notice of the safety officer's decision and, where the employee, employer or complainant is an aggrieved person, the operator, employer, employee or complainant may appeal the decision pursuant to Part 14.

### **Compliance Notices and Determination of Compliance**

**7.8** (1) Where a safety officer makes an order pursuant to the Accord Acts, unless the safety officer records in the order that compliance with the order was achieved before the safety officer left the workplace, the person against whom an order is made shall submit to the safety officer, in writing, a compliance notice within the time specified in the order.

(2) A compliance notice referred to in subsection (1) shall describe the extent to which the person against whom the order was made has complied with each item identified in the order.

(3) Notwithstanding the submission of a compliance notice, a person against whom an order is made achieves compliance with an order made pursuant to these Requirements when a safety officer determines that compliance is achieved.

## **PART 8: WORKPLACE MONITORING, MEASUREMENTS AND TESTS**

### **Right of Employee to Observe and be Paid**

**8.** (1) Every employer shall permit an employee selected pursuant to subsection (2) to observe workplace occupational health or safety monitoring and the taking of samples or measurements that relate to the health or safety of employees at the workplace, unless the monitoring or taking of samples or measurements takes place

(a) continuously or on a regular and frequent basis, except to observe the initial set-up of the workplace occupational health or safety monitoring process and to be informed and observe the monitoring where there has been a malfunction of the monitor or alteration in the process;

(b) in a location that is remote and is part of the regular task of a person employed at the location; or

(c) during an emergency situation,

and time spent by the employee in such activities is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.

(2) Where there is

(a) a committee or representative at a workplace, the employee who observes workplace occupational health or safety monitoring and the taking of samples or measurements shall be selected by the committee or representative, as the case may be; or

(b) no committee or representative at a workplace, the employee who observes workplace occupational health or safety monitoring and the taking of samples or measurements shall be selected by the employees.

(3) Every employer shall provide

(a) reasonable notice to an observer of the commencement of the occupational health or safety monitoring and of the taking of samples or measurements undertaken pursuant to subsection (1); and

(b) access to a workplace for the purpose of the observation.

(4) Where an observer requests, the procedure for occupational health or safety monitoring and the taking of samples or measurements shall be identified and explained to the observer.

(5) Where an operator, owner or contractor performs occupational health or safety monitoring or takes samples or measurements that relate to the health or safety of employees at the workplace,

(a) the operator, owner or contractor shall provide reasonable notice to all employers at the workplace of the commencement of the occupational health or safety monitoring and of the taking of samples or measurements; and

(b) the requirements of subsections (1) to (4) apply.

(6) Where the monitoring, samples or measurements referred to in subsection (1) are conducted by, or at the request of, a safety officer, the safety officer may undertake the monitoring, samples or measurements whether or not notice has been given pursuant to subsection (3) or (5).

## **PART 9: RIGHT TO REFUSE WORK**

### **Right to Refuse Work and Consequences of Refusal**

**9.1** (1) Any employee may refuse to do any act at the employee's place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person until

(a) the employer has taken remedial action to the satisfaction of the employee;

(b) the committee, if any, has investigated the matter and unanimously advised the employee to return to work; or

(c) a safety officer has investigated the matter and has advised the employee to return to work.

(2) Where an employee exercises the employee's right to refuse to work pursuant to subsection (1), the employee shall

(a) immediately report it to a supervisor;

(b) where the matter is not remedied in a reasonable amount of time to the employee's satisfaction, report it to the committee or the representative, if any; and

(c) where the matter is not remedied in a reasonable amount of time to the employee's satisfaction, after the employee has reported pursuant to paragraphs (a) and (b), report it to the Chief Safety Officer.

(3) At the option of the employee, the employee who refuses to do any act pursuant to subsection (1) may accompany a safety officer or the committee or representative, if any, on a physical inspection of the workplace, or part thereof, being carried out for the purpose of ensuring others understand the reasons for the refusal.

(4) Notwithstanding subsection 11(8), an employee who accompanies a safety officer, the committee or a representative, as provided in subsection (3), shall be compensated in accordance with subsection (7), but the compensation shall not exceed that which would otherwise have been payable for the employee's regular or scheduled working hours.

(5) Subject to any applicable collective agreement, and subsection (3), where an employee refuses to do work pursuant to subsection (1), the employer may reassign the employee to other work and the employee shall accept the reassignment until the employee is able to return to work pursuant to subsection (1).

(6) Where an employee is reassigned to other work pursuant to subsection (5), the employer shall pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued in the employee's normal work.

(7) Where an employee has refused to work pursuant to subsection (1) and has not been reassigned to other work pursuant to subsection (5), the employer shall, until paragraph (1)(a), (b) or (c) is met, pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued to work.

(8) A reassignment of work pursuant to subsection (5) is not reprisal action pursuant to Section 10.1.

(9) An employee may not, pursuant to this Section, refuse to use or operate a machine or thing or to work in a place

(a) where the refusal puts the life, health or safety of another person directly in danger;

(b) where the danger referred to in subsection (1) is inherent in the work of the employee, or

(c) when given a direct order by an Offshore Installation Manager or person legally in charge of a marine vessel or installation engaged in a work or activity to which the Accord Acts apply, in an emergency situation which poses an immediate threat to the safety of persons on the installation or craft and where immediate action is required to alleviate the threat.

(10) An Offshore Installation Manager or person legally in charge of a craft or installation engaged in a work activity to which the Accord Acts apply who gives a direct order pursuant to paragraph 9(c), shall document and submit the rationale for this direct order to the Chief Safety Officer and Committee within a reasonably practicable amount of time from the time of giving the direct order.

## **Restriction on Assignment of Work Where Refusal**

**9.2** Where an employee exercises the employee's right to refuse to work pursuant to subsection 9.1(1), no employee shall be assigned to do that work until the matter has been dealt with under that subsection, unless the employee to be so assigned has been advised of

- (a) the refusal by another employee;
- (b) the reason for the refusal; and
- (c) the employee's rights pursuant to section 9.1.

## **PART 10: REPRISAL ACTION**

### **Prohibition of Reprisal Action**

**10.1 (1)** In this Part, "reprisal action" means an action that adversely affects an employee with respect to terms or conditions of employment or any opportunity for employment or promotion and includes dismissal, layoff, suspension, demotion, transfer of job or location, change in hours of work, coercion, intimidation, imposition of any discipline, reprimand or other penalty including reduction in wages, salary or other benefits, or the discontinuation or elimination of the job of the employee.

(2) No employer or union shall take, or threaten to take, reprisal action against an employee because the employee has acted in compliance with these Requirements or an order or direction made thereunder or has sought the enforcement of these Requirements or, without limiting the generality of the foregoing, because

- (a) of the participation of the employee in, or association with, a committee or the employee has sought the establishment of a committee or performed functions as a committee member;
- (b) of the association of the employee with a representative or the employee has sought the selection of a representative or performed functions as a representative;
- (c) the employee has refused to work pursuant to subsection 9.1(1);
- (d) the employee has sought access to information to which the employee is entitled by these Requirements, or has been assigned the role of observer pursuant to Section 8;
- (e) the employee has testified or is about to testify in any proceeding or inquiry pursuant to these Requirements; or
- (f) the employee has given information to the committee, a representative, a safety officer or other person concerned with the administration of the Accord Acts or these Requirements with respect to the health and safety of employees at the workplace,

unless the employer or union, as the case may be, establishes that such action is solely motivated by legitimate business reasons.

(3) On an inquiry into a complaint pursuant to Section 10.2 alleging that there has been a failure by an employer or a union to comply with subsection (2), the burden of proving that there has been no such failure is upon the employer or the union, as the case may be.

## **Right to Make Complaint or File Grievance**

**10.2** (1) An employee who complains that

(a) an employer has failed to pay wages, salary, pay or a benefit entitlement required pursuant to subsection 5.2(6), 6(5), 8(1), 9.1(4), 9.1(6), 9.1(7) or 11(8), or

(b) an employer or a union has taken, or threatened to take, reprisal action contrary to subsection 10.1(2),

may

(c) where the employee is not subject to a collective agreement under which the employee is entitled to file a grievance, within thirty days, make a complaint in writing to a safety officer; or

(d) where the employee is subject to a collective agreement under which the employee is entitled to file a grievance,

(i) have the complaint dealt with by final and binding arbitration under the collective agreement, or

(ii) within thirty days, make a complaint in writing to a safety officer, if an arbitrator has not seized jurisdiction over the matter under the collective agreement, in which case the matter shall be dealt with by the arbitrator under the collective agreement.

(2) Where a safety officer receives a complaint pursuant to subsection (1), the safety officer shall investigate the complaint and

(a) issue an order specifying the provision of these Requirements that has been contravened; or

(b) determine that there are no grounds upon which to issue an order, and so notify the complainant.

(3) Where the safety officer determines that an employer has failed to pay wages, salary, pay or a benefit entitlement required by a provision referred to in paragraph (1)(a), the safety officer's order issued pursuant to paragraph (2)(a) shall require, by a specified date,

(a) the employer to pay the wages, salary, pay or other benefits required by the provision referred to in paragraph (1)(a); or

(b) the employer or the union to do the things that, in the opinion of the safety officer, are necessary to secure compliance with these Requirements.

(4) Where the safety officer determines that reprisal action has been taken or threatened against an employee contrary to subsection 10.1(2), the safety officer's order issued pursuant to paragraph (2)(a) shall require, by a specified date,

(a) the employer to reinstate the employee pursuant to the same terms and conditions under which the employee was formerly employed;

(b) the employer to pay any wages, salary, pay or other benefits that the employee would have earned but for the reprisal action;

(c) that any reprimand or other references to the matter in the employer's records be removed;

(d) the reinstatement of the employee to the union and the payment by the union to the employee of any wages, salary, or benefits that the employee would have earned but for the reprisal action; or

(e) the employer or the union to do the things that, in the opinion of the safety officer, are necessary to secure compliance with these Requirements.

(5) Where an order or decision of a safety officer made pursuant to paragraph (2)(a) is not appealed pursuant to Part 14, the decision of the safety officer is final and binding.

## **PART 11: SAFETY OFFICER INSPECTIONS**

### **Accompaniment During Inspections**

**11.** (1) For the purpose of this Section, "inspection" means a physical inspection of a workplace, or any part or parts of a workplace, pursuant to the powers conferred upon a safety officer pursuant to the Accord Acts.

(2) Where a safety officer conducts an inspection,

(a) the operator or employer shall give the representative or an employee member of the committee, if any; and

(b) a representative of the operator or employer shall have

the opportunity to accompany the safety officer during the safety officer's inspection.

(3) Where there is no committee member representing employees or representative available, the safety officer may select one or more employees who shall accompany the safety officer during the safety officer's inspection.

(4) Where a representative or employee member of the committee is unavailable to accompany the safety officer during the safety officer's inspection, the safety officer shall endeavour to consult with a reasonable number of employees during the inspection.

(5) For greater certainty, where

(a) a person referred to in paragraph (2)(a) or (b) is unavailable to accompany a safety officer during the safety officer's inspection; and

(b) in the safety officer's opinion it is necessary to proceed with the inspection without accompaniment,

the safety officer may conduct the inspection without accompaniment.

(6) Notwithstanding subsections (2) and (3) and subject to subsection (7), a safety officer may question any person who is or was in a workplace either separate from another person or in the presence of any other person regarding anything that is or may be relevant to the safety officer's inspection, examination, investigation, audit, inquiry or test.

(7) The individual who is questioned pursuant to subsection (6) may request to be accompanied and may be accompanied by another person during the questioning.

(8) Subject to subsection 9.1(4), time spent by a committee member, representative or employee in accompanying or consulting with a safety officer during an inspection is deemed to be work time for which the committee member, representative or employee shall be paid by the employer at the applicable rate.

## **PART 12: MEDICAL INFORMATION AND INFORMATION COMMUNICATED IN CONFIDENCE**

### **Disclosure of Medical Information**

**12.1** (1) Notwithstanding Section 7.6 no person shall disclose information obtained in a medical examination, test, X-ray or hospital record of an employee made, taken or provided pursuant to the Accord Acts or these Requirements except in a form calculated to prevent the information from being identified with a particular person or case, or with the permission of the employee.

(2) No person to whom information is communicated in confidence pursuant to the Accord Acts and these Requirements shall divulge the information, except in accordance with the Accord Acts and these Requirements.

## **PART 13: INCIDENT INVESTIGATION, RECORDING AND REPORTING**

### **Notice of Incident at the Workplace**

**13.1** (1) The operator shall provide notice to the Chief Safety Officer pursuant to requirements prescribed under

- (a) section 15.4 of Element 2 of these Requirements, Draft Petroleum Occupational Safety and Health Regulations;
- (b) section 6(1)(j) of the Diving Regulations;
- (c) section 70 of the Installation Regulations; and
- (d) section 145 of the Petroleum Drilling Regulations.

### **Disturbance of Scene**

**13.2** (1) Except as otherwise directed by a safety officer, a person shall not disturb the scene of an incident that results in the loss of a body member, in the permanent impairment of a body function or death, except as is necessary

- (a) to immediately attend to persons injured or killed;
- (b) to immediately prevent further injuries;
- (c) to immediately protect property that is endangered as a result of the accident.

### **Annual Report**

**13.3** The operator shall submit no later than April 1 of each year, to the Chief Safety Officer, a summary report for all health and safety-related incident data reported pursuant to section 13.1 in a form acceptable to the Chief Safety Officer.

## **PART 14: APPEALS**

### **Appeal to Chief Safety Officer**

**14.1** (1) Orders made by a safety officer may be modified or revoked by the Chief Safety Officer in accordance with subsection 198(4) of the federal Accord Act and subsection 190(4) of the Nova Scotia Accord Act.

(2) Pursuant to the Accord Acts, an order made by a safety officer expires seventy-two hours after it is made unless it is confirmed before this time by order of the Chief Safety Officer.

(3) Pursuant to the Accord Acts, the person carrying out the operation to which a safety officer order makes reference or any person having a pecuniary interest in that operation may by notice in writing request the Chief Safety Officer to refer it, in the manner prescribed, to the Supreme Court of Nova Scotia for review, and thereupon the Chief Safety Officer shall do so.

### **Nova Scotia Department of Labour**

**14.2** An aggrieved person may utilize any provisions within the Nova Scotia Occupational Health and Safety Act to the extent that is applicable in the offshore area and the Chief Safety Officer shall cooperate with the provincial authorities to enable its appeal provisions to be used.

## **PART 15: ENFORCEMENT AND OFFENCES**

### **Conditions of Authorization**

**15** (1) These Requirements shall be made a condition of any authorization issued pursuant to section 142 of the Federal Accord Act and section 135 of the Nova Scotia Accord Act and will be enforced as a condition of authorization. Failure to comply with these Requirements by any person may constitute an offence under the Accord Acts.

(2) An operating licence and/or authorization shall be conditional on compliance with these Requirements and therefore, pursuant to the Accord Acts, failure to comply with these Requirements may result in a suspension or revocation of an operating licence or authorization.

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End of Element 1

## **ELEMENT 2**

### **OFFSHORE PETROLEUM OCCUPATIONAL SAFETY AND HEALTH REGULATIONS**

**(DRAFT – APRIL, 1990)**

## PART 1: INTERPRETATION

### Short Title

1. These Regulations may be cited as the Petroleum Occupational Safety and Health Regulations – Nova Scotia.

### Interpretation

1.1 In these Requirements,

"Act" means the Canada - Nova Scotia Offshore Petroleum Resources Accord Implementation Act, as amended;

"ANSI" means the American National Standards Institute;

"approved organization" means the St. John Ambulance or where first aid training is received outside Nova Scotia, may also include the Canadian Red Cross Society or the Workers Compensation Board of British Columbia;

"Canadian Electrical Code" means CSA Standard C22.1-1986, Safety Standard for Electrical Installations, as amended from time to time;

"Chief" means the Chief Conservation Officer as designated pursuant to section 144 of the Act;

"committee" has the same meaning as in section 2 of the Occupational Health and Safety Act, S.N.S. 1985 C.3, as amended;

"CSA" means the Canadian Standards Association;

"drill floor", in respect of a drilling rig or drilling unit, the stable platform surrounding the slip setting area that provides support for employees during drilling operations;

"drilling rig" means the plant and associated support equipment used to make a hole or well by boring or other means for geophysical, exploration or production purposes;

"drilling unit" means a drillship, submersible, semi-submersible, barge, jack-up or other vessel used in drilling and includes a drilling rig and other related facilities;

"electrical equipment" means equipment for the generation, distribution or use of electricity;

"elevating device" means escalator, elevator or other device for moving passengers or freight;

"employee" means a person employed by or contracted to perform work under the supervision of an employer;

"employer" means a person who employs one or more employees or supervises the work of employees contracted to perform work in the work place and includes an employer's organization and any person who acts on behalf of an employer;

"environmental conditions" means meteorological, oceanographical and other natural conditions, including ice conditions which effect the operations of a work place;

"fire hazard area" means an area that contains or is likely to contain explosive or flammable concentration of hazardous substances;

"first aid room" means a room used exclusively for first aid or medical purposes;

"first aid station" means a place, other than a first aid room or medical clinic, at which first aid supplies or equipment are stored;

"hazardous substance" means a controlled product and a chemical, biological or physical agent that, by reason of a property that the agent possesses, is hazardous to the safety or health of a person exposed to it;

"high voltage" means a voltage of more than 750 V between any two conductors or between a conductor and ground;

"hot work" means welding, burning, riveting, drilling, grinding, chipping or any other work where a flame is used or sparks are produced;

"level one first aid attendant" means a qualified person who is the holder of a valid certificate issued by an approved organization for the successful completion of either an emergency first aid course of at least one day duration or a standard first aid course of at least two days duration;

"level two first aid attendant" means a qualified person who is the holder of a valid certificate issued by an approved organization for the successful duration of a mariners first aid course of at least five days duration, and who has successfully completed training in a cardio-pulmonary resuscitation course as set out in the Canadian Heart Foundation's Basic Life Support, Cardio-Pulmonary Resuscitation Standard, dated April 1987;

"locked-out" means, in respect of any equipment, machine or device, that the equipment, machine or device has been rendered inoperative and cannot be operated or energized without the consent of the person who rendered it inoperative;

"marine installation or structure" means a marine installation or structure as defined in subsection 157(1) of the Act, as amended;

"medic" means a qualified person who

(a) has experience with medical evacuation of personnel by helicopter, fixed wing aircraft or other support craft,

(b) is the holder of an advanced cardiac life support certificate or basic cardiac life support instructor's certificate recognized by the Canadian Heart Foundation, and

(c) is the holder of

(i) a licence to practice medicine in Canada and has at least two years' clinical experience in intensive care or emergency practice,

(ii) a registered nursing certificate recognized under the laws of a province and has at least two years clinical experience in intensive care or emergency practice,

(iii) a paramedic certificate issued by a college in a province and has at least three years' clinical experience, or

(iv) an Occupational Qualification VIB Medical Assistant Canadian military certificate;

"National Building Code" means the National Building Code of Canada, 1985, issued by the Associate Committee on the National Building Code, National Research Council of Canada, as amended from time to time;

"National Fire Code" means the National Fire Code of Canada, 1985; issued by the Associate Committee on the National Fire Code, National Research Council of Canada, as amended from time to time;

"officer" has the same meaning as in section 2 of the Occupational Health and Safety Act, S.N.S. 1985, C.3, as amended

"oxygen deficient atmosphere" means an atmosphere in which there is less than 18 per cent by volume of oxygen at a pressure of one atmosphere or in which the partial pressure of oxygen is less than 135 mm Hg;

"piping system" means an assembly of pipes, pipe fittings, valves, safety devices, pumps, compressors and other fixed equipment that contains a gas, vapour or liquid but does not include a boiler or pressure vessel;

"pressure system" means a boiler, pressure vessel, pump, compressor and the piping system connected thereto that contains or is intended to contain a gas, vapour or at a pressure greater than atmospheric pressure;

"production facility" means production, separating, treating and processing equipment and facilities necessary in support of production, including helicopter landing areas and field accommodation;

"protection equipment" means safety materials, equipment, devices and clothing;

"qualified person" means, in respect of a specified duty, a person who, because of his knowledge, training and experience, is qualified to perform that duty safely and properly;

"standby vessel" means any vessel that is so designated and meets the requirements of section 17.15;

"support craft" means a vessel, vehicle, tug, ship, aircraft, air cushion vehicle, standby vessel or other craft used to provide transport for goods, materials, equipment or personnel or other assistance to the work place;

"toilet room" means a room that contains a water closet or a urinal, but not does include an outdoor privy;

"ULC standard" means the Underwriters' Laboratories of Canada Standard CAN4-S508-M83, Rating and Fire Testing of Fire Extinguishers, as amended form time to time;

"work place" means any place where an employee is engaged in work for the employer.

### **Application**

**1.2** These Regulations apply in respect of occupational safety and health of employees employed in respect of the exploration or drilling for or the production, conservation, processing or transportation of petroleum in the Nova Scotia Offshore area.

### **Records and Reports**

**1.3** Where an employer is required to keep a record, report or other document, the employer shall keep the record, report or other document in such a manner that it is readily available for examination by an officer and by the committee, if any, for the work place to which it applies.

### **Inconsistent Provisions**

**1.4** In the event of an inconsistency between any standard incorporated by reference in these Regulations and any other provision of these Regulations, that other provision of these Regulations shall prevail to the extent of the inconsistency.

## **PART II**

### **GENERAL SAFETY**

**2.1** Every employer shall, in respect of every work place controlled by that employer, ensure that all permanent buildings and structures meet the standards prescribed by this Part.

#### **General Requirements Enclosed Work Places**

**2.2** Every enclosed workspace located on a marine installation or structure shall, to the extent practical

- (a) provide adequate protection from environmental conditions,
- (b) be properly heated or cooled as necessary,
- (c) be so located or separated as to provide protection from any hazardous substance which may be present on the marine installation or structure,
- (d) be located, designed and constructed such that the adverse effects of vibration on the safety and health of employees is minimized, and
- (e) be designed and constructed to prevent the spread of fire and to provide structural fire protection.

#### **Doors**

**2.3** Every double action swinging door that is located in an exit, entrance or passageway used for two-way pedestrian traffic shall be designed and fitted in a manner that will permit persons who are approaching from one side of the door to be aware of persons who are on the other side of the door.

#### **Floor and Wall Openings**

**2.4** (1) In this section,

"floor opening" means an opening measuring 300 mm or more in its smallest dimension in a floor, platform, or deck;

"wall opening" means an opening at least 750 mm high and 300 mm wide in a wall, partition, or bulkhead;

(2) Where an employee has access to a well opening from which there is a drop of more than 1 m or to a floor opening, guardrails shall be fitted around the wall opening or floor opening or the opening shall be covered with material capable of supporting all loads that may be imposed on it.

(3) The material referred to in subsection (2) shall be securely fastened to a supporting structural member of the building.

(4) Subject to section 2.11, guardrails shall be installed around the perimeter of every work place, other than a helicopter deck, where there is a drop of more than 1 m from the work place to an adjacent area.

### **Open Top Bins, Hoppers Tanks and Holds**

**2.5** (1) Where an employee has access to an open top bin, hopper, tanks, holds or other open top enclosure from a point directly the enclosure, the enclosure shall be fitted with a fixed ladder on the inside wall of the enclosure and shall be

- (a) covered with a grating, screen or other covering that will prevent the employee from falling into the enclosure; or
- (b) provided with a walkway that is not less than 500 mm wide and is fitted with guardrails.

(2) A grating, screen, covering or walkway referred to in subsection (1) shall be so designed, constructed and maintained that it will support a load that is not less than

- (a) the maximum load that may be imposed on it, or
- (b) a live load of 6 kPa,

whichever is the greater.

(3) Every open top bin, hopper, tanks, holds or other open top enclosure referred to in subsection (1) whose walls extend less than 900 mm above an adjacent floor or platform used by an employee shall be guarded in a manner that will prevent employees from falling into the enclosure.

### **Ladders, Stairways and Ramps**

**2.6** Where an employee in the course of employment is required to move from one level to another level that is more than 450 mm higher or lower than the first level, the employer shall install a fixed ladder, stairway or ramp between the levels.

**2.7** Where one end of a stairway is so close to a traffic route used by vehicles, to a machine or to any other hazard as to be hazardous to the safety of an employee using the stairway, the employer shall

- (a) where practicable, install a barricade that will protect employees using the stairway from the hazard; or
- (b) where it is not reasonably practicable to install a barricade, post a sign at that end of the stairway to warn employees of the hazard.

**2.8** (1) Subject to subsection (5), a fixed ladder that is more than 6 m in length shall, where practicable, be fitted with a protective cage for the portion of its length that is more than 2 m above the base level of the ladder.

(2) Subject to subsection (5), a fixed ladder that is more than 9 m in length shall have, at intervals of not more than 6 m, a landing or platform that

- (a) is not less than 0.36 m<sup>2</sup> in area; and
- (b) is fitted at its outer edges with a guardrail.

(3) A fixed ladder, cage, landing or platform referred to in subsection (1) or (2) shall be designed and constructed to withstand all loads that may be imposed on it.

(4) A fixed ladder shall be

- (a) vertical;

(b) securely held in place at the top and bottom and at intermediate points not more than 3 m apart; and

(c) fitted with

(i) rungs that are at least 150 mm from the wall and uniformly spaced at intervals not exceeding 300 mm; and

(ii) side rails that extend not less than 900 mm above the landing or platform.

(5) Subsections (1) and (2) do not apply to a fixed ladder that is used with a fall protection system referred to in section 12.10.

### **Docks, Ramps and Dock Plates**

**2.9** (1) Every loading and unloading dock and ramp shall be

(a) of sufficient strength to support the maximum load that may be imposed on it;

(b) free of surface irregularities that may interfere with the safe operation of mobile equipment; and

(c) fitted around its sides that are not used for loading and unloading with side rails, curbs or rolled edges of sufficient height and strength to prevent mobile equipment from running over the edge.

(2) Every portable ramp and every dock plate shall be

(a) clearly marked or tagged to indicate the maximum safe load that it is capable of supporting; and

(b) installed so that it cannot slide, move or otherwise be displaced under the load that may be imposed on it.

### **Guardrails**

**2.10** (1) Every guardrail shall consist of

(a) a horizontal top rail, or line not less than 900 mm and not more than 1,100 mm above the base of the guardrail;

(b) a horizontal intermediate rail or line spaced midway between the top rail or line and the base of the guardrail; and

(c) supporting posts spaced not more than 3 m apart at their centres.

(2) Every guardrail shall be designed to withstand the greater of

(a) the maximum load that may be imposed on it; and

(b) a static load of not less than 890 N applied in any direction at any point on the top rail or line.

**2.11** Where it is not practicable to install guardrails as required by subsection 2.4(4) or subsection 3.9(1) or subsection 3.12(2), cables or chains shall be installed in a manner that will prevent employees from falling from the work place.

### **Toe Boards**

**2.12** (1) Subject to subsection (2) where there is a hazard that tools or other objects may fall from a platform or other raised area onto an employee, the employer shall install

- (a) a toe board that
  - (i) extends above the floor of the platform or other raised area, and
  - (ii) will prevent tools or other objects from falling from the platform or other raised area; or
- (b) where the tools or other objects are piled to such a height that a toe board will not prevent the tools or other objects from falling, a solid or mesh panel that extends from the floor of the platform or other raised area to a height of not less than 450 mm.

(2) Where the installation of a toe board is not practicable on a platform or other raised area, all tools or other objects that could fall shall be

- (a) tied in a manner that, if they fall, employees beneath the platform will be protected; or
- (b) placed in such a way that, if they fall, they will be caught by a safety net.

### **Housekeeping and Maintenance**

**2.13** (1) Every exterior stairway, walkway, ramp and passageway used by employees shall, as far as practicable, be kept free of accumulations of ice and snow.

(2) All dust, dirt, waste and scrap material in a work place shall be removed as often as is necessary to protect the safety and health of employees and shall be disposed of in such a manner that the safety and health of employees is not endangered.

(3) Every traveled surface in a work place shall be maintained free from splinters, holes, loose boards and tiles or similar defects.

**2.14** (1) Where a floor in a work place is normally wet, and employees in the work place do not use non-slip footwear, the floor shall be covered with a dry false floor or platform or treated with a non-slip material or substance.

(2) The floor in any work place shall, as far as practicable, be kept free from oil, grease or other slippery substances.

### **Temporary Heat**

**2.15** (1) Subject to subsection (2), where a salamander or other high capacity portable open-flame heating device is used in an enclosed work place, the heating device shall not restrict a means of exit and shall be

- (a) so located, protected and used that there is no hazard of igniting combustible materials adjacent to the heating device;
- (b) used only when there is ventilation provided that protects the safety and health of employees; and

(2) Where the heating device referred to in subsection (1) does not provide complete combustion of the fuel used in connection with it, the heating device shall be equipped with a securely supported sheet metal pipe that discharges the products of combustion outside the enclosed work place.

(3) A portable fire extinguisher with not less than a 10B rating as defined in the ULC Standard shall be readily accessible from the heating device referred to in subsection (1) when the device is in use.

### **PART III**

## **TEMPORARY STRUCTURES**

### **Interpretation**

**3.1** In this part, "stage" means a working platform supported from above.

### **Application**

**3.2** This Part applies to fixed and portable ladders, temporary ramps and stairs, stages and scaffolds.

### **General**

**3.3** Every employer shall, in respect of every work place controlled by that employer, ensure that the temporary structures meet the standards prescribed by this Part.

**3.4** No employee shall work on a temporary structure in environmental conditions that are likely to be hazardous to the safety or health of the employee, except where the work is required to remove a hazard or to rescue an employee.

**3.5** Tools, equipment and materials used on a temporary structure shall be arranged or secured in such a manner that they cannot be knocked off the structure accidentally.

**3.6** No employee shall use a temporary structure unless

- (a) the employee has authority from the employer to use it; and
- (b) the employee has been trained and instructed in its safety and proper use.

**3.7** (1) Before a temporary structure is used by an employee, a qualified person shall make a visual safety inspection of it.

(2) Where an inspection made in accordance with subsection (1) reveals a defect or condition that adversely affects the structural integrity of a temporary structure, no employee shall use the temporary structure until the defect or condition is remedied.

### **Barricades**

**3.8** Where a vehicle or a pedestrian may come into contact with a temporary structure, a person shall be positioned at the base of the temporary structure or a barricade shall be installed around it to prevent any such contact.

### **Guardrails and Toe Boards**

**3.9** (1) Subject to section 2.11, at every open edge of a platform of a temporary structure guardrails shall be installed and, subject to subsection 2.12(2), where there is a likelihood that persons beneath the platform may be injured by objects falling from the platform, toe boards shall be installed.

(2) The guardrails and toe boards referred to in subsection (1) shall meet the standards set out in sections 2.10 and 2.12.

### **Temporary Stairs, Ramps and Platforms**

**3.10** (1) Subject to subsection 3.11(3), temporary stairs, ramps and platforms shall be designed, constructed and maintained to support any load that is likely to be imposed on them and to allow safe passage of persons and equipment on them.

(2) Temporary stairs shall have

- (a) uniform steps in the same flight;
- (b) a slope not exceeding 1.2 in 1; and
- (c) a hand-rail that is not less than 900 mm and not more than 1,100 mm above the stair level on open sides including landings.

(3) Temporary ramps and platforms shall be

- (a) securely fastened in place;
- (b) braced if necessary to ensure their stability; and
- (c) provided with cleats or surfaced in a manner that provides a safe footing for employees.

(4) A temporary ramp shall be so constructed that its slope does not exceed

- (a) where the temporary ramp is installed in the stairwell of a structure not exceeding two storeys in height, 1 in 1, if cross cleats are provided at regular intervals not exceeding 300 mm; and
- (b) in any other case, 1 in 3.

### **Scaffolds**

**3.11** (1) The erection, use, dismantling or removal of a scaffold shall be carried out by or under the supervision of a qualified person.

(2) Where a scaffold is erected on an uneven surface, it shall be provided with base plates that maintain its stability.

(3) Every scaffold shall be capable of supporting at least four times the load that is likely to be imposed on it.

(4) Every scaffold shall

- (a) have a platform that is at least 500 mm wide and securely fastened in place;
- (b) have a working platform that is even and horizontal; and
- (c) be fitted with guardrails except on the side where the work to be performed would be hindered by the guardrail.

(5) the footings and supports of every scaffold shall be capable of carrying, without dangerous settling, all loads that are likely to be imposed on them.

## **Stages**

**3.12** (1) The erection, use, dismantling or removal of a stage shall be carried out by or under the supervision of a qualified person.

(2) Every stage shall

- (a) have a working surface that is even and horizontal and is capable of supporting any load that is likely to be imposed on it;
- (b) be fitted with an effective means for holding the stage away from the working area; and
- (c) subject to section 2.11, where the stage is to be used at a height of more than 3m, be fitted with guardrails.

(3) The supporting structure and the ropes or tackle supporting a stage shall have a safety factor of not less than six.

## **Ladders**

**3.13** (1) Commercially manufactured portable ladders shall meet the standards set out in CSA Standard CAN3-Z11-M81, *Portable Ladders*, as amended from time to time.

(2) Subject to subsection (3), every fixed and portable ladder shall, while being used,

- (a) be placed on a firm footing; and
- (b) be secured in such a manner that it cannot be dislodged accidentally from its position.

(3) Every fixed and portable ladder shall be positioned in such a manner that it is not necessary for a person to use the underside of the ladder.

(4) Where a fixed or portable ladder provides access from one level to another,

- (a) the ladder shall extend, where practicable, at least three rungs above the higher level; or
- (b) where it is not practicable to comply with paragraph (a), handholds shall be provided.

(5) No metal or wire-bound fixed or portable ladder shall be used where there is a hazard that it may come into contact with any live electrical circuit or equipment.

(6) No employee shall work from any of the three top rungs of any single or extension portable ladder or from either of the two top steps of any step ladder.

(7) No non-metallic fixed or portable ladder shall be coated with a material that may hide flaws.

## **Working on Decks or Bulkheads**

**3.14** (1) Before the commencement of work which includes making an opening, in a deck or bulkhead, the employer shall identify the location of all pipes, cable and conduits in the area where the work is to be done.

(2) Where an opening in a deck or bulkhead constitutes a hazard to employees, a barricade shall be installed around it.

(3) Unsecured tools, machinery, timber, or other objects shall not be placed within 1 m from the edge of an opening in a deck or bulkhead.

### **Safety Nets**

**3.15** (1) Where there is a hazard that tools, equipment or materials may fall onto or from a temporary structure, the employer shall provide a protective structure or a safety net to protect from injury any employee on or below the temporary structure.

(2) The design, construction and installation of a safety net referred to in subsection (1) shall meet the standards set out in ANSI Standard ANSI A10.11-1979, *American National Standard for Safety Nets Used During Construction, Repair and Demolition Operations*, as amended from time to time.

### **Housekeeping**

**3.16** Every platform, hand-rail, guardrail and work area on an exterior temporary structure used by an employee shall, as far as practicable, be kept free of accumulation of ice and snow while the temporary structure is in use.

**3.17** The working surface of a temporary structure used by an employee shall, where practicable, be kept free of grease, oil or other slippery substances and of any material or object that may cause an employee to slip or trip.

## **PART IV**

### **ELEVATING DEVICES**

#### **General**

**4.1** Every employer shall, in respect of every work place controlled by that employer, ensure that the use, operation and maintenance of every elevating device and every safety device attached thereto, is in accordance with this Part.

#### **Standards**

**4.2** (1) Every elevating device and every safety device attached thereto shall

- (a) meet the standards set out in the applicable CSA standards referred to in subsection (2) as far as reasonably practicable; and
- (b) be used, operated and maintained in accordance with the standards set out in the applicable CSA standard referred to in subsection (2).

(2) For the purposes of subsection (1), the applicable CSA standards for

- (a) elevators, dumbwaiters and escalators is CSA Standard CAN3-B44-M85, *Safety Code for Elevators*, as amended from time to time, other than clause 9.1.4; and
- (b) manlifts is CSA Standard B311-M1979, *Safety Code for Manlifts* and supplement No. 1-1984 to B311-M1979, as amended from time to time.

## **Personnel Transfer Baskets**

- 4.3** (1) In this section, "PTB" or "personnel transfer basket" means a device used to transfer persons.
- (2) No person shall be transferred by PTB unless
- (a) the employer has established safe procedures for the transfer of personnel by PTB;
  - (b) the person to be transferred has been instructed in and understands the procedures referred to in paragraph (a); and
  - (c) any employee operating the hoisting equipment associated with the PTB or otherwise assisting with the transfer operation has been instructed in and understands the procedures referred to in paragraph (a).
- (3) The procedures referred to in paragraph (2) (a) shall include provisions as appropriate for
- (a) communication between persons at both points of transfer;
  - (b) the use of personal protection devices, protective clothing or other personal protection equipment by the person being transferred;
  - (c) the inspection and testing of the PTB to ensure that it is in serviceable condition;
  - (d) limiting the number of persons transferred to the number of persons that the PTB was designed to carry safely;
  - (e) the raising and the lowering of the PTB, as far as practicable, over water;
  - (f) the prohibition of the transfer of freight in a PTB, except in an emergency;
  - (g) where the PTB is used to transfer a person to or from a marine installation or structure, the equipping of the marine installation or structure with at least two buoyant PTB's; and
  - (h) such other measures as may enhance the safety of the personnel transfer operation.

## **Use and Operation**

- 4.4** No elevating device shall be used or operated
- (a) with a load in excess of the load that it was designed and installed to move safely; or
  - (b) where the elevating device is installed on a floating marine installation or structure, when the roll of the marine installation or structure exceeds the maximum roll recommended by the manufacturer for the safe operation of the elevating device.
- 4.5** (1) Subject to subsection (3), no elevating device shall be used or placed in service while any safety device attached thereto is inoperative.
- (2) Subject to subsection (3), no safety device attached to an elevating device shall be altered, interfered with or rendered inoperative.
- (3) Subsections (1) and (2) do not apply to an elevating device or a safety device that is being inspected, tested, repaired or maintained by a qualified person.

## **Inspection and Testing**

**4.6** Every elevating device and every safety device attached thereto shall be inspected and tested by a qualified person to determine that the prescribed standards are met

- (a) before the elevating device and the safety device attached thereto are placed in service;
- (b) after an alteration to the elevating device or a safety device attached thereto; and
- (c) once every 12 months.

**4.7** (1) A record of each inspection and test made in accordance with section 4.6 shall

- (a) be signed by the qualified person who made the inspection and test;
  - (b) include the date of the inspection and test and the identification and location of the elevating device and safety device that were inspected and tested; and
  - (c) set out the observations of the qualified person inspecting and testing the elevating device and safety device on the safety of the device.
- (2) Every record referred to in subsection (1) shall be kept by the employer for five years after the date on which it was signed.

## **Repair and Maintenance**

**4.8** Repair and maintenance of elevating devices or safety devices attached thereto shall be performed by a qualified person appointed by the employer.

## **PART V**

### **PRESSURE SYSTEMS**

#### **Interpretation**

**5.1** In this Part,

"inspector" means a person recognized under the laws of Canada or of a province as qualified to inspect pressure systems;

"maximum allowable working pressure" means the maximum allowable working pressure set out in the record referred to in section 5.13;

"maximum temperature" means the temperature set out in the record referred to in section 5.13.

#### **Application**

**5.2** This Part does not apply to

- (a) a heating boiler that as a heating surface of 3 m<sup>2</sup> or less;
- (b) a pressure vessel that has a capacity of 40 L or less;
- (c) a pressure vessel that is installed for use at a gauge pressure of 100 kPa or less;

- (d) a pressure vessel that has an internal diameter of 150 mm or less;
- (e) a pressure vessel that has an internal diameter of 600 mm or less and that is used only for the storage of hot water;
- (f) a pressure vessel that has an internal diameter of 600 mm or less and that is connected to a water-pumping system containing air that is compressed to serve as a cushion; or
- (g) a refrigeration plant that has a capacity of 18 kW or less of refrigeration.

### **General**

**5.3** Every employer shall, in respect of every work place controlled by that employer, ensure that the use, operation and maintenance of every pressure system is in accordance with this Part.

### **Standards**

**5.4** Every pressure system shall be designed, constructed, certified, installed and inspected in accordance with CSA Standard B51-1981, *Code for the Construction and Inspection of Boilers and Pressure Vessels*, as amended from time to time.

### **Construction, Testing and Installation**

**5.5** Every pressure system used in a work place shall be constructed, tested, and installed by a qualified person in accordance with the standards set out in section 5.4.

### **Use, Operation, Repair, Alteration and Maintenance**

**5.6** (1) No person shall use a boiler or pressure vessel unless it has been inspected by an inspector in accordance with subsection (2).

(2) An inspector shall

(a) inspect every boiler or pressure vessel in accordance with the standards set out in section 5.4.,

(i) after installation

(ii) after any welding, alteration or repair that is likely to affect the integrity is carried out on it, and

(iii) in accordance with sections 5.9 to 5.11; and

(b) make a record of each inspection in accordance with section 5.13.

**5.7** Every pressure system in use at a work place shall be operated, maintained and repaired by a qualified person.

**5.8** No person shall alter, interfere with or render inoperative any fitting attached to a pressure system except for the purpose of adjusting or testing the fitting.

### **Inspections**

**5.9** Subject to section 5.10, every pressure system in use at a work place shall be inspected

(a) externally, at least once each year; and

(b) internally, at least once every five years.

**5.10** The integrity of a pressure system that is a part of a motion compensator system or blowout preventer system shall be verified at least once every five years by

- (a) where practicable, an internal inspection, or
- (b) where an internal inspection is not practicable, by a hydrostatic test or other non-destructive test method.

**5.11** (1) Subject to subsection (3), where more than five years have elapsed since the date of the last test and inspection of a Halon container, the container shall not be recharged without a test of container strength and a complete visual inspection being carried on.

(2) Subject to subsection (3), a Halon container that has been continuously in service without discharging may be retained in service for a maximum of 20 years from the date of the last test and inspection at which time it shall be emptied, retested, subjected to a complete visual inspection and re-marked before being placed back in service.

(3) Where a Halon container has been subjected to unusual corrosion, shock or vibration, a visual inspection and a test of container strength shall be carried out.

(4) A Halon container shall be tested by non-destructive test methods such as hydrostatic testing and the container shall be thoroughly dried before being filled.

**5.12** In addition to the requirements of sections 5.9 to 5.11, every pressure system in use at a work place shall be inspected by a qualified person as frequently as is necessary to ensure that the pressure system is safe for its intended use.

### **Records**

**5.13** (1) A record of each inspection carried out under sections 5.6 and 5.9 to 5.11 shall be completed by the inspector who carried out the inspection.

(2) Every record referred to in subsection (1)

(a) shall be signed by the inspector who carried out the inspection; and

(b) shall include

(i) the date of the inspection,

(ii) the identification and location of the pressure system that was inspected,

(iii) the maximum allowable working pressure and the maximum temperature at which the pressure system may be operated,

(iv) a declaration as to whether the pressure system meets the standards as prescribed by this Part,

(v) a declaration as to whether, in the opinion of the inspector who carried out the inspection, the pressure is safe for its intended use,

(vi) where appropriate in the opinion of the inspector who carried out the inspection, recommendations regarding the need for more frequent inspections or tests than are required by section 5.9, 5.10 or 5.11, and

(vii) any other observation that the inspector who carried out the inspection considers relevant to the safety of employees.

(3) The employer shall keep every record referred to in subsection (1) for one year after the date the next inspection is required by this Part.

(4) A record of each inspection carried out pursuant to section 5.12 shall be completed by the qualified person who carried out the inspection.

(5) Every record referred to in subsection (4) shall include

(a) the date of the inspection;

(b) the identification and location of the pressure system that was inspected; and

(c) any observation that the qualified person considers relevant to the safety of employees.

## **PART VI**

### **LEVELS OF LIGHTING**

#### **Application**

**6.1** This Part does not apply to the bridge of a floating marine installation or structure.

**6.2** (1) The levels of lighting prescribed in this Part shall, where reasonably practicable, be provided by a lighting system installed by the employer.

(2) Where it is not reasonably practicable to comply with subsection (1), the employer shall provide portable lighting that gives the prescribed levels of lighting.

#### **Measurement of Average Levels of Lighting**

**6.3** For the purposes of this Part, the average level of lighting at a work position or in an area shall be determined by making four or more measurements at different places at the work position or in the area

(a) where work is performed at a level higher than the floor, at the level at which is performed; and

(b) in any other case, 1m above the floor,

and dividing the aggregate of the results of the measurement by the number of the measurements.

#### **Minimum Average Levels of Lighting**

**6.4** The average level of lighting at a work position or in an area referred to in column I of an item of the schedule to this Part shall be not less than the average level set out in column II of that item.

#### **Emergency Lighting Systems**

**6.5** (1) Where a failure in the lighting system in an area through which an employee passes in carrying out emergency procedures referred to in subsection 17.9(1) will cause the level of lighting to be reduced to less than 3 dalx, an emergency lighting system shall be installed in the area.

(2) The emergency lighting system referred to in subsection (1) shall

- (a) operate automatically in the event of a failure of the lighting system; and
- (b) provide and average level of lighting of at least 3 dalx.

**Minimum Levels of Lighting**

**6.6** The level of lighting at any place at a work position or in an area shall be not less than one-third of the average level of lighting prescribed by this Part for the work position or area.

**SCHEDULE (Section 6.4)**

**AVERAGE LEVELS OF LIGHTING**

Column I	Column II
Item    Type of Work Area	Average Level in Dalx
<b>1. OFFICE WORK</b>	
(a) Work positions at which cartography, drafting, plan reading or other difficult visual tasks are performed.....	80
(b) Work positions at which business machines are operated or continuous reading or writing or other difficult visual tasks are performed.....	50
(c) Other areas.....	5
<b>2. LABORATORIES</b>	
(a) Work positions at which instruments are read or hazardous substances are handled and where errors in such reading or handling may be hazardous to the safety or health of an employee.....	80
(b) Work positions at which close or prolonged attention is given to laboratory work.....	50
(c) Other areas.....	5
<b>3. WORKSHOPS AND GARAGES</b>	
(a) Work positions at which fine or medium bench, machine or repair work is performed.....	50
(b) Work positions at which rough bench, machine or repair work is performed.....	30
(c) Other areas.....	5
<b>4. PROCESS AREAS</b>	
(a) Work positions at which tasks essential to the control of equipment or machinery hazardous to the safety of the employees are performed.....	80
(b) Work positions at which a hazardous substance is used or handled.....	50
(c) Work positions at which control of formation flow testing equipment is exercised.....	20
(d) Other work positions at which gauges and dials are not self-illuminating are located.....	5
(e) Other areas.....	2

5. LOADING PLATFORMS AND WAREHOUSES	
(a) Work positions at which packages and goods are checked or sorted.....	15
(b) Work positions at which loading or unloading work both is frequently performed.....	10
6. STORAGE AREAS	
(a) Areas in which there is a high level of activity.....	5
(b) Other areas.....	2
7. DERRICK, DRILL FLOOR AND MOON POOL	
(a) Work positions at which there is a high level of activity.....	5
(b) Other areas.....	2
8. ENTRANCES, EXITS, ELEVATORS, CORRIDORS AISLES AND STAIRWAYS	
(a) Areas in which there is a high level of activity or where there is a high frequency of traffic.....	10
(b) Areas in which there is a high level of activity or where there is a moderate frequency of traffic.....	5
9. FIRST AID ROOMS	
(a) Work positions at which treatment is rendered or examinations are conducted or at which tasks essential to the safety or health of an employee are performed.....	80
(b) Other areas.....	20
10. FOOD PREPARATION AREAS	
(a) Work positions at which prolonged cutting or preparation tasks are performed.....	80
(b) Other areas.....	20
11. DINING AREAS AND RECREATION SPACES	
(a) Area in which serving, eating or recreational activities are performed.....	20
(b) Other areas.....	10
12. PERSONAL SERVICE AREAS.....	20
13. BOILER, ENGINE AND GENERATOR ROOMS.....	20
14. ROOMS IN WHICH PRINCIPAL HEATING, VENTILATION OR AIR CONDITIONING EQUIPMENT IS INSTALLED.....	7
15. EMERGENCY SHOWER FACILITIES, EMERGENCY EQUIPMENT LOCATIONS AND EMERGENCY EVACUATION AREAS.....	5
16. AREAS IN WHICH GAUGES, DIALS AND CONTROLS ARE SELF-ILLUMINATING.....	2

## PART VII

### LEVELS OF SOUND

#### Interpretation

**7.1** In this Part, "sound level meter" means an instrument for measuring levels of sound and impulse sound that meets the standards set out in ANSI Standard ANSI 21.4-1983, *Specification for Sound Level Meters*, as amended from time to time and is referred to in that Standard at type 0, 1 or 2.

#### General

**7.2** Every employer shall, in respect of every work place controlled by that employer, ensure that the level of sound in the work place is controlled in accordance with this Part.

#### Levels of Sound

**7.3** (1) Subject to subsections (2) and (3) and sections 7.4 and 7.5, the level of sound in a work place shall be less than 85 dB.

(2) Subject to subsection (3), where it is not reasonably practicable for an employer to maintain the level of sound in the work place at less than 85 dB, no employee shall be exposed in any 24 hour period to

- (a) a level of sound referred to in column I of an item of the schedule to this Part for a number of hours exceeding the number set out in column II of that item; or
- (b) a number of different levels of sound referred to in column I of an item of the schedule to this Part, where the sum of the following quotients exceeds 1:
  - (i) the number of hours of exposure to each level of sound, divided by
  - (ii) the maximum number of hours of exposure per 24 hour period set out in column II of that item.

(3) Where it is not reasonably practicable for an employer to maintain the exposure of an employee to a level of sound at or below the levels referred to in subsection (1) or (2), the employer shall

- (a) make a report in writing to the officer setting out the reasons why the exposure cannot be so maintained; and
- (b) provide every employee entering the work place with a hearing protector that
  - (i) meets the standard set out CSA Standard Z94.2-M1984, *Hearing Protectors*, as amended from time to time, and
  - (ii) reduces the level of sound reaching the employee's ears to less than 85 dB.

**7.4** (1) No employee shall be exposed in sleeping quarters to a level of sound of more than 70 dB.

(2) In areas such as control rooms, radio rooms and offices where verbal communications are essential to the safe conduct of operations on a marine installation structure, the employer shall ensure that the level of sound does not exceed 70 dB.

**7.5** Where the peak level of impulse sound in a work place exceeds 140 dB, the employer shall provide every employee entering the work place with a hearing protector that

- (a) meets the standards set out in CSA Standard Z94.2-M1984, Hearing Protectors, as amended from time to time, and
- (b) reduces the peak level of impulse sound reaching the employee's ears to 140 dB or less.

**Sound Level Measurement**

**7.6** The levels of sound referred to in sections 7.3 and 7.4 shall be measured by using the slow exponential-time-averaging characteristic and the A-weighting characteristic of a sound level meter.

**7.7** The peak level of impulse sound referred to in section 7.5 shall be measured by using the impulse exponential-time-averaging characteristic of a sound level meter.

**Warning Signs**

**7.8** In a work place where the level of sound is 85 dB or more or where the peak level of impulse sound exceeds 140 dB, the employer shall post signs warning persons the work place

- (a) that there is a hazardous level of sound or impulse sound in the work place;
- (b) if applicable, of the maximum number of hours of exposure determined under subsection 7.3(2); and
- (c) if applicable, of the requirement to wear a hearing protector.

**SCHEDULE (Subsection 7.3(2))**

**MAXIMUM EXPOSURE TO LEVELS OF SOUND AT WORK PLACE**

Column I	Column II	
<b>Item</b>	<b>Levels of Sound in dB (per employee, per 24 hrs)</b>	<b>Maximum # of Hours</b>
1.	85 or more but not more than 90	8
2.	more than 90 but not more than 92	6
3.	more than 92 but not more than 95	4
4.	more than 95 but not more than 97	3
5.	more than 97 but not more than 100	2
6.	more than 100 but not more than 102	1.5
7.	more than 102 but not more than 105	1
8.	more than 105 but not more than 110	0.5
9.	more than 110 but not more than 115	0.25
10.	more than 115	0

**PART VIII**  
**ELECTRICAL SAFETY**

**Interpretation**

**8.1** In this Part, "control device" means a device that will safely disconnect electrical equipment from its source of energy.

**General**

**8.2** Every employer shall, in respect of every work place controlled by that employer, ensure that the use, operation and maintenance of all electrical equipment is in accordance with this Part.

**Safety Procedures**

**8.3** (1) All testing or work performed on electrical equipment shall be performed by a qualified person or an employee under the direct supervision of a qualified person.

(2) Where there is a likelihood that the qualified person or the employee referred to in subsection (1) may receive a hazardous electrical shock during the performance of the testing or work,

- (a) the qualified person or the employee shall use such insulated protection equipment and tools as will protect him from injury during the performance of the work; and
- (b) the employee shall be instructed and trained in the use of the insulated protection equipment and tools.

**8.4** (1) Where reasonably practicable, all electrical equipment shall be locked out or otherwise isolated in accordance with the instructions referred to in section 8.10 before an employee performs any testing or work on the equipment.

(2) Where electrical equipment is live or may become live, no employee shall work on the equipment unless

- (a) the employer has instructed the employee in procedures that are safe for work on live conductors; or
- (b) a safety ground is connected to the equipment.

(3) Subject to subsections (4) and (5), where an employee is working on or near electrical equipment that is live or may become live, the electrical equipment shall be guarded.

(4) Subject to subsection (5), where it is not practicable for electrical equipment referred to in subsection (3) to be guarded, the employer shall take measures to protect the employee from injury by insulating the equipment from the employee or the employee from ground.

(5) Where live electrical equipment is not guarded or insulated in accordance with subsection (3) or (4) or where the employee referred to in subsection (4) is not insulated from ground, no employee shall work so near to any live part of the electrical equipment that is within a voltage range set out in column I of an item of the schedule to this Part that the distance between the body of the employee or any thing with which the employee is in contact and the live part of the equipment is less than

- (a) the distance set out in column II of that item, where the employee is not a qualified person; or
- (b) the distance set out in column III of that item, where the employee is a qualified person.

(6) No employee shall work near a live part of any electrical equipment referred to in subsection (5) where there is a hazard that an unintentional movement by the employee would bring any part of the employee's body or any thing with which he is in contact closer to that live part than the distance referred to in that subsection.

**8.5** No employee shall work on or near high voltage electrical equipment unless he is authorized to do so by the employer.

**8.6** A legible sign with the words "Danger - High Voltage" and "DANGER - HUATE TENSION" in letters that are not less than 50 mm in height on a contrasting background or a symbol conveying the same meaning shall be posted in a conspicuous place at every approach to live high voltage electrical equipment.

### **Safety Watcher**

**8.7** (1) Where an employee is working on or near live electrical equipment and, because of the nature of the work or the condition or location of the work place, it is necessary for the safety of the employee that the work be observed by a person not engaged in the work, the employer shall appoint a safety watcher

- (a) to warn all employees in the work place of the hazard; and
  - (b) to ensure that all safety precautions and procedures are complied with.
- (2) A safety watcher shall be
- (a) informed on the duties of a safety watcher and of the hazard involved in the work;
  - (b) trained and instructed in the procedures to follow in the event of an emergency;
  - (c) authorized to stop immediately any part of the work that the safety watcher considers dangerous; and
  - (d) free of any other duties that might interfere with his duties of a safety watcher.

(3) For the purposes of subsection (1), an employer may personally undertake the duties of a safety watcher.

### **Coordination of Work**

**8.8** Where an employee is working on or in connection with electrical equipment, that employee and every other person who is so working, including every safety watcher, shall be fully informed by the employer with respect to the safe coordination of their work.

### **Work Conducted in the Vicinity of Electrical Cables**

**8.9** Before an employee carries out any work in the vicinity of electrical cables, the employer shall give instructions and training respecting the locations of the cables, the nature of any hazards present and the procedures to be followed for conducting the work.

### **Isolation of Electrical Equipment**

**8.10** (1) Before an employee isolates electrical equipment or changes or terminates the isolation of electrical equipment, the employer shall issue written instructions with respect to the procedures to be followed for the safe performance of that work.

(2) The instructions referred to in subsection (1) shall specify

- (a) the isolation procedures to be followed;
- (b) the identification of the electrical equipment to which the instructions apply;
- (c) a description of any tests to be performed;
- (d) particulars of the tags or signs to be used; and
- (e) the protection equipment to be used.

(3) A tag or sign referred to in paragraph (2)(d) shall

- (a) contain the words "DO NOT OPERATE - D FENSE D'ACTIONNER" or display a symbol conveying the same meaning;
- (b) show the date and hour at which the electrical equipment was isolated;
- (c) show the name of the employee performing the work or live test;
- (d) where used in connection with a live test, be distinctively marked as a testing tag or sign;
- (e) be removed only by the employee performing the work or live test; and
- (f) be used for no other purpose other than to notify persons that the operation or movement of the electrical equipment is prohibited during the performance of the work or live test.

(4) A copy of the instructions referred to in subsection (1) shall be shown and explained to the employee.

(5) The instruction referred to in subsection (1) shall be kept readily available for examination by employees at the work place in which the electrical equipment is located.

### **Control Devices, Switches and Cords**

**8.11** (1) Every control device shall be so designed and located as to permit quick and safe operation at all times.

(2) the path of access to every electrical switch, control device or meter shall be free from obstruction.

(3) Where an electrical switch or other control device controlling the supply of electrical energy to electrical equipment is operated only by a person authorized to do so by the employer, the switch or other control device shall be fitted with a locking device that only such an authorized person can activate.

(4) Control switches for all electrically operated machinery shall be clearly marked to indicate the switch positions that correspond to the electrical circuits being controlled.

**8.12** (1) All electrical equipment within a Class I Division 1 area or Class I Division 2 area as defined in Section 18 of the Canadian Electrical Code, Hazardous Locations, shall be constructed in a manner suitable for the environmental conditions in the area in which the equipment is used.

(2) Each extension cord of electrical equipment referred to in subsection (1) shall be equipped with a terminal that provides an interruption of the circuit before a connecting device is withdrawn.

### Defective Electrical Equipment

**8.13** Defective electrical equipment that is likely to be hazardous to the safety or health of an employee shall be disconnected from its power source by a means other than the control switch and notices shall be placed on the equipment and at the control switch to indicate that the equipment is defective.

### Electrical Fuses

**8.14** (1) Electrical fuses shall be of the correct ampere rating and fault capacity rating for the circuit in which they are installed.

(2) No employee shall replace missing or burnt-out fuses unless authorized to do so by a qualified person.

### Power Supply Cables

**8.15** (1) Power supply cables for portable electrical equipment shall be placed clear of areas used for vehicles unless the cables are protected by guards.

(2) A three-wire power supply cable on electrical equipment or on an electrical appliance shall not be altered or changed for the purpose of using the equipment or appliance on a two-wire power supply.

### Ground Electrical Equipment

**8.16** Grounded electrical equipment and appliances shall be used only when connected to a matching electrical outlet receptacle.

### SCHEDULE (Subsection 8.4(5))

#### DISTANCES FROM LIVE ELECTRICAL PARTS

Column I				Column II	Column III
Item	Voltage Range of Part: Part to Ground (v)			Distance in metres	Distance in metres
1.	Over 425 to	12,000		3	0.9
2.	Over 12,000 to	22,000		3	1.2
3.	Over 22,000 to	50,000		3	1.5
4.	Over 50,000 to	90,000		4.5	1.8
5.	Over 90,000 to	120,000		4.5	2.1
6.	Over 120,000 to	150,000		6	2.7
7.	Over 150,000 to	250,000		6	3.3
8.	Over 250,000 to	300,000		7.5	3.9
9.	Over 300,000 to	350,000		7.5	4.5
10.	Over 350,000 to	400,000		9	5.4

## **PART IX**

### **SANITATION**

#### **Interpretation**

**9.1** In this Part,

"ARI" means the Air-Conditioning and Refrigeration Institute of the United States;

"change room" means a room that is used by employees to change from their street clothes to their work clothes and from their work clothes to their street clothes, and includes a locker room;

"field accommodation" means living, eating or sleeping quarters provided by an employer for the accommodation of employees at a work place;

"personal service room" means a change room, toilet room, shower room, field accommodation or a combination thereof.

#### **General**

**9.2** (1) Every employer shall maintain each personal service room and food preparation area used by employees in a clean and sanitary condition.

(2) Personal service rooms and food preparation areas shall be so used by employees that the rooms or areas will remain in as clean and sanitary a condition as possible.

**9.3** All cleaning and sweeping that may cause dusty or unsanitary conditions shall be carried out in a manner that will prevent the contamination of the air by dust or other substances injurious to health.

**9.4** Each personal service room shall be cleaned at least once every day that it is used.

**9.5** Every plumbing system that supplies potable water and removes water-borne waste shall be installed and maintained by a qualified person.

**9.6** (1) Each enclosed part of a work place, each personal service room and each food preparation area shall be constructed, equipped and maintained in a manner that prevents the entrance of vermin.

(2) Where vermin have entered any enclosed part of a work place, personal service room or food preparation area, the employer shall immediately take all steps necessary to eliminate the vermin and prevent the re-entry of the vermin.

**9.7** No person shall use a personal service room for the purpose of storing equipment unless a closet fitted with a door is provided in that room for that purpose.

**9.8** In each personal service room and food preparation room, the temperature, measured one metre above the floor in the centre of the room or area, shall be maintained at a level of not less than 18° C and, where reasonable practicable, not more than 29° C.

**9.9** (1) In each personal service room and food preparation area, the floors, partitions and walls shall be so constructed that they can be easily washed and maintained in a sanitary condition.

(2) The floor and lower 150 mm of any walls and partitions that are in contact with the floor in any food preparation area to toilet room shall be water-tight and impervious to moisture.

## **Toilet Rooms**

**9.10** (1) Where reasonably practicable an employer shall provide,

- (a) a toilet room for employees and
- (b) where persons of both sexes are employed at the same workplace, a separate toilet room for employees of each sex.

(2) Where separate toilet rooms are provided for employees of each sex, each room shall be equipped with a door that is self-closing and is clearly marked to indicate the sex of the employees for whom the room is provided.

(3) Where persons of both sexes use the same toilet room, the door of the toilet room shall be fitted on the inside with a locking device.

**9.11** (1) Every toilet room shall be so designed that

- (a) it is completely enclosed with a solid material that is non-transparent from the outside;
- (b) subject to subsection(2), there is no direct access into the toilet room from a sleeping room, dining area or food preparation area;
- (c) where reasonably practicable, there is a direct access into the toilet room from a hallway; and
- (d) if it contains more than one water closet, each water closet is enclosed in a separate compartment fitted with a door and an inside locking device.

(2) Where a toilet room is provided as part of private field accommodation, there may be direct access thereto from the sleeping quarters for which the toilet room is provided.

**9.12** Toilet paper shall be provided at each water closet.

**9.13** A covered container for the disposal of sanitary napkins shall be provided in each toilet room provided for the use of female employees.

## **Wash Basins**

**9.14** (1) Subject to subsection (2), every employer shall provide wash basins for each toilet room as follows:

- (a) where the room contains one or two water closets or urinals, one wash basin; and
- (b) where the room contains more than two water closets or urinals, one wash basin for every additional two water closets or urinals.

(2) An industrial wash trough or circular wash basin of a size equivalent to the aggregate size of the wash basins referred to in subsection (1) may be provided in place of the wash basins referred to in that subsection.

**9.15** All wash basins and industrial wash troughs and circular wash basins referred to in section 9.14 shall be supplied with hot and cold water.

**9.16** Where the health of employees is likely to be endangered by skin contact with a hazardous substance, the employer shall provide wash facilities to clean the skin and aid in the removal of the hazardous substance.

**9.17** In every personal service room that contains a wash basin, an industrial wash trough or circular wash basin the employer shall provide

- (a) powdered or liquid soap or other cleaning agent in a dispenser at each wash basin or between adjoining wash basins;
- (b) sufficient sanitary hand drying facilities to serve the number of employees using the personal service room; and
- (c) a non-combustible container for the disposal of used towels where towels are provided.

### **Showers and Shower Rooms**

**9.18** (1) A shower room with at least one shower head for every 10 employees or portion of that number shall be provided for employees who regularly perform strenuous physical work in a high temperature or high humidity or whose bodies may be contaminated by a hazardous substance.

(2) Every shower stall shall be constructed and arranged in such a way that water cannot leak through the walls or floors.

(3) Every shower shall be provided with

- (a) hot and cold water;
- (b) soap or other cleaning agent; and
- (c) a clean towel.

(4) Where duck boards are used in showers, they shall not be made of wood.

### **Potable Water**

**9.19** Every employer shall provide potable water for drinking, personal and food preparation that meets the standards set out in these Requirements *for Canadian Drinking Water Quality, 1978*, as amended from time to time, published by authority of the Minister of National Health and Welfare.

**9.20** Where water is transported for drinking, personal washing or food preparation, only sanitary portable water containers shall be used.

**9.21** Where a storage container for drinking water is used,

- (a) the container shall be securely covered and labeled as containing potable water;
- (b) the container shall be used only for the purpose of storing potable water; and
- (c) The water shall be drawn from the container by
  - (i) a tap,
  - (ii) a ladle used only for the purpose of drawing water from the container, or
  - (iii) any other means that precludes the contamination of the water.

**9.22** Except where drinking water is supplied by a drinking fountain, sanitary single-use drinking cups shall be provided.

**9.23** Any ice that is added to drinking water or used for the contact refrigeration of foodstuffs shall

- (a) be made from potable water; and
- (b) be so stored and handled as to prevent contamination.

**9.24** Where drinking water is supplied by a drinking fountain, the fountain shall meet the standards set out in ARI Standard 1010-82, *Standard for Drinking-Fountains and Self-Contained Mechanically-Refrigerated Drinking-Water Coolers*, as amended from time to time.

### **Field Accommodations**

**9.25** All field accommodations shall meet the following standards

- (a) if shall be so constructed that is can easily be cleaned and disinfected;
- (b) the food preparation area and dining area shall be separated from the sleeping quarters;
- (c) where a water plumbing system is provided, the system shall operate under sanitary conditions;
- (d) garbage disposal facilities shall be provide to prevent the accumulation of garbage;
- (e) toilet rooms shall be maintained in a sanitary condition; and
- (f) vermin prevention, heating, ventilation and sanitary sewage systems shall be provided.

**9.26** (1) Every field accommodation that is part of a marine installation or structure shall be

- (a) situated such that it is securely separated from hazardous areas and hazardous operations;
- (b) so designed and constructed as to provide sufficient structural strength to withstand any loads generated by any operating and environmental conditions that can reasonably be anticipated;
- (c) insulated to the extent practicable from noise and vibration;
- (d) designed and equipped to protect employees from the adverse affects of environmental conditions;
- (e) constructed, to the extent practicable, of non-combustible materials; and
- (f) readily accessible to at least one of the primary means of evacuation from the marine installation or structure.

(2) The headroom provided in a field accommodation shall not be less than 2.3 m.

(3) The unobstructed width of corridors in a field accommodation shall be not less than 1.0 m.

(4) The unobstructed door openings in rooms in a field accommodation shall be at least 0.75 m in width and 2.05 m in height.

### **Sleeping Quarters**

**9.27** (1) Where sleeping quarters are provided in a field accommodation,

- (a) a separate bed, bunk or cot shall be provided for each employee,

- (b) no arrangement of bunk beds shall be more than double-tiered;
- (c) each bed, bunk or cot shall be at least 2.0 m in length at least 0.8 m in width, both measures taken inside the bed frame;
- (d) the bottom bed, bunk or cot shall be at least 0.30 m from the floor;
- (e) the vertical distance between bunks, and between the upper bunk and the ceiling shall be at least 0.90 m;
- (f) mattresses, pillows, sheets, pillow cases, blankets, bed covers and sleeping bags shall be kept in a clean and sanitary condition;
- (g) a floor area of not less than 3 square metres shall be provided for each bed, bunk, or cot; and
- (h) a lockable storage, closet or drawer for each bed, bunk or cot.

(2) Sufficient individual sleeping quarters in a field accommodation shall be provided such that the maximum number of employees sleeping in one room shall be no more than

- (a) 2 for a production facility; and
- (b) 4 for any other marine installation or structure.

#### **Preparation, Handling, Storage and Serving of Food**

**9.28** (1) Each food handler shall be instructed and trained in food handling practice that prevent the contamination of food.

(2) No person who is suffering from a communicable disease shall work as a food handler.

**9.29** Where food is served in a work place, the employer shall adopt and implement Section G of the *Sanitation Code for Canada's Foodservice Industry* published by the Canadian Restaurant Association, as amended from time to time, other than items 2 and 11 thereof.

**9.30** (1) Foods that require refrigeration to prevent them from becoming hazardous to health shall be maintained at a temperature of 4°C or lower.

(2) Foods that require freezing shall be maintained at a temperature of -11°C or lower.

**9.31** All equipment and utensils that come into contact with food shall be

- (a) designed to be easily cleaned;
- (b) smooth, and free from cracks, crevices, pitting and unnecessary indentations; and
- (c) cleaned and stored to maintain their surfaces in a sanitary condition.

**9.32** No person shall eat, prepare or store food

- (a) in an area where a hazardous substance may contaminate food, dishes or utensils;
- (b) in a personal service room that contains a water closet, urinal or shower; or
- (c) in any other area where food is likely to be contaminated.

## **Food Waste and Garbage**

**9.33** (1) Food waste and garbage shall be removed daily from personal service rooms and food preparation areas.

- (2) Food waste and garbage shall be
  - (a) disposed of by a sanitary drainage system;
  - (b) held in a garbage container; or
  - (c) incinerated.

(3) Every employer shall adopt and implement a procedure that provides that combustible garbage is not incinerated except where precautions have been taken to ensure that the fire does not endanger employees, the safety of any workplace or the integrity of any equipment.

**9.34** (1) Garbage containers shall be

- (a) maintained in a clean and sanitary condition;
- (b) cleaned and disinfected in an area separate from personal service rooms and food preparation areas;
- (c) where there may be internal pressure in the container, so designed that the pressure is relieved by controlled ventilation;
- (d) constructed of a non-absorbent material and provided with a tight-fitting top;
- (e) located in an area that is inaccessible to animals; and
- (f) leakproof, where liquids, wet materials or food waste are disposed of therein.

(2) Where disposable garbage bags are used, they shall be

- (a) used for solid waste only;
- (b) of a strength sufficient to
  - (i) prevent punctures, and
  - (ii) support their contents when full;
- (c) constructed to prevent leakage;
- (d) secured and sealed when full; and
- (e) placed in steel or other suitable shipping containers before being transferred to support craft, unless they are provide with suitably designed lifting straps for direct handling.

## **Dining Areas**

**9.35** Every dining area provided by the employer shall be

- (a) of sufficient size to allow seating and table space for the employees normally using the area at any one time;

- (b) provided with non-combustible covered receptacles for the disposal of food waste or garbage; and
- (c) separated from any place where a hazardous substance may contaminate food, dishes or utensils.

### **Ventilation**

**9.36** (1) Every field accommodation located on a marine installation or structure shall, where practicable, be equipped with a ventilation system, the capacity of which will provide at least 5 air changes per hour.

(2) The ventilation system referred to in subsection (1) shall be so designed and operated as to maintain the air pressure in every field accommodation positive relative to any adjacent area which may contain airborne hazardous substances.

(3) The intake duct for a ventilation systems shall not be located where airborne hazardous substances may be drawn in.

### **Clothing Storage**

**9.37** Clothing storage facilities shall be provided by the employer for the storage of overcoat and other clothes not worn by employees while they are working.

**9.38** (1) A change room shall be provided by the employer where

- (a) the nature of the work engaged in by the employee makes it necessary for the employee to change from street clothes to work clothes for safety or health reasons; or
- (b) an employee is regularly engaged in work in which the employee's work clothing becomes wet or contaminated by a hazardous substance.

(2) Where wet or contaminated work clothing referred to in paragraph (1)(b) is changed, it shall be stored in such a manner that it does not come in contact with clothing that is not wet or contaminated.

(3) No employee shall leave the work place wearing clothing contaminated by a hazardous substance.

(4) Every employer shall supply facilities for the drying or cleaning of wet or contaminated clothing referred to in paragraph (1)(b).

## **PART X**

### **HAZARDOUS SUBSTANCES**

#### **Interpretation**

**10.1** In this Part,

"controlled product" means any product, material or substance specified by the regulations made pursuant to paragraph 15(1)(a) of the *Hazardous Products Act* to be included in classes listed in Schedule II of that Act;

"hazard information" means, in respect of a hazardous substance, information on the proper and safe storage handling and use of the hazardous substance, including information relating to its toxicological properties;

"lower explosive limit" means the lower limit of flammability of a chemical agent or a combination of chemical agents at ambient temperature and pressure, expressed

- (a) for a gas or vapour, as a percentage per volume of air, and
- (b) for dust, as the weight of dust per volume of air;

"product identifier" means, in respect of a hazardous substance, the brand name, code name or code number specified by the supplier or employer or the chemical name, common name, generic name or trade name;

"supplier" means a person who is a manufacturer, processor or packager of a hazardous substance or a person who, in the course of business, imports or sells a hazardous substance.

### **Application**

**10.2** This Part does not apply to the transportation or handling of dangerous goods to which the *Transportation of Dangerous Goods Act* and regulations made thereunder apply.

### **General**

**10.3** Every employer shall, in respect of every work place controlled by the employer, ensure that the concentrations of chemicals, biological and physical agents in the work place are controlled in accordance with this Part.

## **DIVISION I**

### **Hazardous Investigation**

**10.4** (1) Where there is a likelihood that the safety or health of an employee in a work place is or may be endangered by exposure to a hazardous substance, the employer shall, without delay,

- (a) appoint a qualified person to carry out an investigation; and
- (b) notify the committee, if any, of the proposed investigation and of the name of the qualified person appointed to carry out the investigation.

(2) In the investigation referred to in subsection (1), the following criteria shall be taken into consideration:

- (a) the chemical, biological and physical properties of the hazardous substance;
- (b) the routes of exposure of the hazardous substance;
- (c) the effects to safety and health of exposure to the hazardous substance;
- (d) the state, concentration and quantity of the hazardous substance handled;
- (e) the manner in which the hazardous substance is handled;
- (f) the control methods used to eliminate or reduce exposure to the hazardous substance;
- (g) the value, level or percentage of the hazardous substance to which an employee is likely to be exposed; and

- (h) whether the value, level or percentage referred to in paragraph (g) is likely to
  - (i) exceed that prescribed in section 10.21 or 10.22 of Part VIII, or
  - (ii) be less than that prescribed in Part VI.

**10.5** On completion of the investigation referred to in subsection 10.4(1) and after consultation with the committee, if any, the qualified person shall set out in a written report signed by the qualified person

- (a) the observations of the qualified person respecting the criteria considered in accordance with subsection 10.4(2); and
- (b) the recommendations of the qualified person respecting the manner of compliance with sections 10.7 to 10.26.

**10.6** The report referred to in section 10.5 shall be kept by the employer at the work place to which it applies for one year after the date on which the qualified person signed the report.

### **Substitution of Substances**

**10.7 (1)** A hazardous substance shall not be used for any purpose in a work place if it is reasonably practicable to substitute therefor a substance that is not a hazardous substance.

(2) Where a hazardous substance is required to be used for any purpose in a work place and an equivalent substance that is less hazardous is available to be used for that purpose, the equivalent substance shall be substituted for the hazardous substance where reasonably practicable.

### **Ventilation**

**10.8** Every ventilation system used to control the concentration of an airborne hazardous substance shall be so designed, constructed and installed that

- (a) where the airborne hazardous substance is a chemical agent, the concentration of the airborne hazardous substance does not exceed the values, levels and percentages prescribed in section 10.21 and 10.22; and
- (b) where the airborne hazardous substance is not a chemical agent, the concentration of the airborne hazardous substance is not hazardous to the safety or health of employees.

### **Air Pressure**

**10.9 (1)** Subject to subsection (2), where there is a likelihood that explosive or toxic vapours may enter an enclosed work place or field accommodation, the air pressure in the work place or field accommodation shall, where practicable, be maintained positive in relation to the air pressure in the surrounding area.

(2) Where there is a source of explosive or toxic vapours at an enclosed work place, the air pressure in the area of that source shall be maintained negative with respect to any adjacent enclosed area.

### **Warnings**

**10.10** Where reasonably practicable, automated warning and detection systems shall be provided by the employer where the seriousness of any exposure to a hazardous substance so requires.

### **Storage, Handling and Use**

**10.11** Every hazardous substance stored, handled or used in a work place shall be stored, handled and used in a manner whereby the hazard related to that substance is reduced to a minimum.

**10.12** Subject to section 10.15, where a hazardous substance is stored, handled or used in a work place, any hazard resulting from that storage, handling or use shall be confined to as small an area as practicable.

**10.13** (1) Every container for a hazardous substance that is used in a work place shall be so designed and constructed that it protects the safety and health of all employees from any hazard created by the hazardous substance.

(2) Where a container referred to in subsection (1) has been emptied and is not to be refilled with the hazardous substance, it shall be completely cleaned of the hazardous substance that was stored in it before being reused and the label identifying the hazardous substance shall be removed.

**10.14** The quantity of a hazardous substance stored, handled, used or processed in a work place shall, as far as practicable, be kept to a minimum.

**10.15** Where a hazardous substance is capable of combining with another substance to form an ignitable combination and a hazard of ignition of the combination by static electricity exists, the standard set out in the United States National Fire Prevention Association Inc. Publication NFPA 77-1983, *Recommended Practice on Static Electricity*, as amended from time to time, shall be adopted and implemented.

### **Warning of Hazardous Substances**

**10.16** (1) Where a hazardous substance is stored, handled or used in a work place, signs shall be posted in conspicuous places warning of the presence of the hazardous substance.

(2) Information regarding any precautions to be taken to prevent or reduce any hazard of injury or risk to health from a hazardous substance, shall be readily available for examination at the work place.

### **Pressure Systems**

**10.17** Every pressure system and other fixed equipment that is used for transferring a hazardous substance from one location to another shall be

- (a) labeled to identify the hazardous substance transferred therein;
- (b) fitted with valves and other control and safety devices to ensure its safe operation;
- (c) inspected by a qualified person before it is placed in service and once a year thereafter; and
- (d) maintained and repaired by a qualified person.

### **Employee Education**

**10.18** (1) Every employer shall, in consultation with the committee, if any, develop and implement an employee education program respecting hazard prevention and control at the work place.

(2) The employee education program referred to in subsection (1) shall include

- (a) the instruction of each employee who handles or is exposed to or is likely to handle or be exposed to a hazardous substance, with respect to:

- (i) the product identifier of the hazardous substance,
  - (ii) all hazard information disclosed by the supplier of the hazardous substance or by the employer on a material safety data sheet or on a label;
  - (iii) all hazard information of which the employer is aware or ought reasonably to be aware;
  - (iv) the observation referred to in paragraph 10.5(a);
  - (v) the information disclosed on the material safety data sheet referred to in section 10.28 and the purpose and significance of that information;
  - (vi) in respect of controlled products in the work place, the information required to be disclosed on a material safety data sheet and on a label by Division III of this Part and the purposes and significance of that information; and
  - (vii) the information referred to in subsection 10.16(2);
- (b) the instruction and training of each employee who operates, maintains or repairs a pressure system referred to in section 10.17 with respect to
    - (i) every valve and other control and safety device connected to the pressure system; and
    - (ii) the procedures to follow for the proper and safe use of the pressure system;
  - (c) instruction and training of each employee referred to in paragraphs (a) and (b) with respect to
    - (i) the procedures to follow to implement the provisions of sections 10.11, 10.12, and 10.15; and
    - (ii) the procedures to follow for the safe storage, handling, use and disposal of hazardous substances, including procedures to be followed in an emergency involving a hazardous substance; and
  - (d) where the employer makes a machine-readable version of a materials safety data sheet available in accordance with subsection 10.34(2) the training of each employee in accessing that material safety data sheet.

(3) Every employer shall, in consultation with the committee, if any, review the employee education program referred to in subsection (1) and, if necessary, review it

- (a) at least once a year;
- (b) whenever there is a change in conditions in respect of the hazardous substances in the work place; and
- (c) whenever new hazard information in respect of a hazardous substance in the work place becomes available to the employer.

**10.19** A written record of the employee education program referred to in subsection 10.18(1) shall be kept by the employer readily available for examination by employees for as long as the employees

- (a) handle or are exposed to or are likely to handle or be exposed to the hazardous substances; or
- (b) operate, maintain or repair the pressure system.

## Medical Examinations

**10.20** (1) Where the report referred to in section 10.5 contains a recommendation for a medical examination or for a periodic re-examination, the employer may, regarding that recommendation, consult a physician who has specialized knowledge in respect of the hazardous substance used in the work place.

(2) Where the employer

(a) consults a physician pursuant to subsection (1) and the physician confirms the recommendation for a medical examination, or

(b) does not consult a physician pursuant to subsection (1),

the employer shall not permit an employee to work with the hazardous substance in the work place until a physician, who has the specialized knowledge referred to in subsection (1) and is acceptable to the employee, has examined the employee and declared him fit for work with the hazardous substance.

(3) Where an employer consults a physician pursuant to subsection (1), he shall keep a copy of the decision of the physician with the report referred to in section 10.5.

(4) The cost of a medical examination referred to in subsection (2) shall be borne by the employer.

## Control of Hazards

**10.21** (1) No employee shall be exposed to a concentration of

(a) an airborne chemical agent, in excess of the value for that chemical agent adopted by the American Conference of Governmental Industrial Hygienists in its publication entitled *Threshold Limit Values and Biological Exposure Indices for 1986-87*, as amended from time to time; or

(b) an airborne hazardous substance, other than a chemical agent, that is hazardous to the safety and health of the employee.

(2) Where there is a likelihood that the concentration of an airborne chemical agent may exceed the value referred to in paragraph (1)(a), the air shall be sampled and the concentration of the chemical agent determined by a qualified person by a test in accordance with

(a) the standards set out by American Conference of Governmental Industrial Hygienists in its publication entitled *Manual of Analytical Methods Recommended for Sampling and Analysis of Atmospheric Contaminants*, as amended from time to time; or

(b) the standards set out by the United States National Institute for Occupational Safety and Health in the *NIOSH Manual of Analytical Methods*, third edition, volumes 1 and 2, as amended from time to time; or

(c) a method set out in the *United States Federal Register*, volume 40, number 33, as amended from time to time.

(3) A record of each test made pursuant to subsection (2) shall be kept by the employer at his place of business nearest to the work place where the air was sampled for a period of two years after the date of the test.

(4) A record referred to in subsection (3) shall include

(a) the date, time and location of the test;

- (b) the chemical agent for which the test was made;
- (c) the sampling and testing method used;
- (d) the results obtained; and
- (e) the name and occupation of the qualified person who made the test.

**10.22** (1) Subject to subsection (2) and (3), the concentration of an airborne chemical agent or combination of chemical agents in a work place shall be less than 50 per cent of the lower explosive limit of the chemical agent or combination of the chemical agents.

(2) Where a source of ignition may ignited the concentration of an airborne chemical agent or combination of chemical agents in a work place, that concentration shall not exceed 10 per cent of the lower explosive limit of the chemical agent or combination of chemical agents.

(3) Subsection (1) does not apply if

- (a) the work place is a Class I Division 1 or a Class I Division 2 area, as defined in section 18 of the *Canadian Electrical Code*;
- (b) the work place is equipped with an alarm system that will automatically be activated when the concentration referred to in subsection (1) exceeds 60 per cent of the lower explosive limit of the chemical agent or combination of chemical agent; and
- (c) no employee is exposed to a level in excess of 75 per cent of the lower explosive limit of the chemical agent or combination of the chemical agents.

**10.23** (1) Compressed air shall be used in such a manner that the air is not directed forcibly against any person.

(2) Where compressed air is used, its use shall not result in a concentration of a hazardous substance in the atmosphere in excess of the value for the hazardous substance prescribed in subsection 10.21(1).

### **Explosives**

**10.24** (1) No detonator shall be stored with an explosive that is not a detonator.

(2) No detonator shall be stored with a detonator of a different type.

(3) Not more than 75 kg of explosives shall be stored on a marine installation or structure unless otherwise approved by the Chief pursuant to subsection (4).

(4) The Chief may approved the storing of more than 75 kg of explosives on a marine installation or structure where:

- (a) a greater quantity of explosives is required for the efficient conduct of the operation;
  - (b) the quantity of explosives stored on the marine installation or structure is not more than that required for the operation; and
  - (c) the explosives are removed from the marine installation or structure when not required for use.
- (5) Explosives shall be stored in a locked container that is

- (a) only accessible to a qualified person; and
- (b) so constructed and located that it can be jettisoned in an emergency.

**10.25** (1) Explosives shall be used, stored or controlled by a qualified person

(2) The qualified person referred to in subsection (1) shall make a record of explosives used, stored or removed for use.

(3) The record referred to in subsection (2) shall be kept readily accessible at the work place and shall contain

- (a) the type and amount of explosives used, stored or removed for use;
- (b) the date of use, storage and removal;
- (c) particulars of the use of the explosive; and
- (d) the name of the qualified person who made the record.

#### **Radiation Emitting Devices and Radioactive Substances**

**10.26** (1) Where a device that is capable of producing and emitting energy in the form of electromagnetic waves or acoustical waves is used in a work place, the employer shall, if the device is referred to in subsection (2), adopt and implement the applicable safety code of the Bureau of Radiation and Medical Devices of the Department of National Health and Welfare as specified in that subsection.

(2) For the purpose of subsection (1), the applicable safety code is

- (a) in respect of radio frequency and microwave devices in the frequency range 10 MHz-300 GHz, Safety Code - 6, as amended from time to time;
- (b) in respect of X-ray equipment used in medical diagnosis, Safety Code - 2-A, as amended from time to time;
- (c) in respect of baggage inspection X-ray equipment, Safety Code - 21, as amended from time to time;
- (d) in respect of dental X-ray equipment, Safety Code - 22, as amended from time to time;
- (e) in respect of ultrasound, Safety Code - 23, and Safety Code - 24, as amended from time to time; and
- (f) in respect of short-wave diathermy, Safety Code - 25, as amended from time to time.

(3) Every employer whose employee may use or handle a radioactive substance shall

- (a) obtain from the Atomic Energy Control Board a licence for the use and handling of radioactive substance;
- (b) ensure that every employee who may use or handle a radioactive substance is adequately trained and instructed in the proper procedures for the use or handling of radioactive substances; and

- (c) ensure that the procurement, containment, transportation, use, storage, and disposal of all radioactive substances in accordance with the provisions of the *Atomic Energy Control Act* and the regulations made thereunder.

## **DIVISION II**

### **HAZARDOUS SUBSTANCES OTHER THAN CONTROLLED PRODUCTS**

#### **Identification**

**10.27** Every container of a hazardous substance, other than a controlled product that is stored, handled or used in the work place, shall be labeled in a manner that discloses clearly

- (a) the name of the substance; and
- (b) the hazardous properties of the substance.

**10.28** Where a material safety data sheet pertaining to a hazardous substance, other than a controlled product, that is stored, handled or used in the work place may be obtained from the supplier of the hazardous substance, the employer shall

- (a) obtain a copy of the material safety data sheet; and
- (b) keep a copy of a material safety data sheet readily available in the work place for examination by employees.

## **DIVISION III**

### **CONTROLLED PRODUCTS**

#### **Interpretation**

**10.29** In this Division,

"bulk shipment" means a shipment of a controlled product that is contained, without intermediate containment or intermediate packaging, in

- (a) a container with a water capacity of more than 454 litres,
- (b) a freight container, a portable tank, or a ship, or
- (c) a pipeline;

"fugitive emission" means a controlled product in gas, liquid or solid form that escapes from processing equipment, from control emission equipment or from a product;

"hazardous waste" means a controlled product that is intended solely for disposal or is sold for recycling or recovery;

"manufactured article" means any article that is formed to a specific shape or design during manufacture, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that, under normal conditions of use, will not release or otherwise cause a person to be exposed to a controlled product;

"readily available" means present in an appropriate place in a physical copy form that can be handled;

"risk phrase" means, in respect of a controlled product, a statement identifying a hazard that may arise from the use of or exposure to the controlled product;

"sale" includes offer for sale, expose for sale and distribute;

"supplier label" means, in respect of a controlled product, a label prepared by a supplier pursuant to the *Hazardous Products Act*;

"supplier material safety data sheet" means, in respect of a controlled product, a material safety data sheet prepared by a supplier pursuant to the *Hazardous Products Act*;

"work place label" means, in respect of a controlled product, a label prepared by an employer pursuant to this Division;

"work place material safety data sheet" means, in respect of a controlled product, a material safety data sheet prepared by an employer pursuant to subsection 10.33(1) or (2).

### **Application**

**10.30** (1) This Division does not apply in respect of any

- (a) wood or product made of wood;
- (b) tobacco or product made of tobacco; or
- (c) manufactured article.

(2) This Division, other than section 10.43, does not apply in respect of hazardous waste.

### **Material Safety Data Sheets and Labels in Respect of Certain Controlled Products**

**10.31** Subject to section 10.42, every employer shall adopt and implement the provisions of sections 10.27 and 10.28 in respect of a controlled product and may, in so doing replace the name of the substance with the product identifier, where the rolled product is a controlled product that

- (a) is present in the work place;
- (b) was received from a supplier; and
- (c) is one of the following:
  - (i) an explosive within the meaning of the *Explosives Act*,
  - (ii) a cosmetic, device, drug or food within the meaning of the *Food and Drugs Act*,
  - (iii) a controlled product within the meaning of the *Pest Control products Act*,
  - (iv) a prescribed substance within the meaning of the *Atomic Energy Control Act*, and
  - (v) a product, material or substance included in Part II of Schedule I to the *Hazardous Products Act* that is packaged as a consumer product.

### Supplier Material Safety Data Sheets

**10.32** (1) Where a controlled product, other than a controlled product referred to in paragraph 10.31(c), is received by an employer, the employer shall, at the time the controlled product is received in the work place, obtain from the supplier of the controlled product a supplier material safety data sheet, unless the employer has in his possession a supplier material safety data sheet that

- (a) is for a controlled product that has the same product identifier;
- (b) discloses information that is current at the time that the controlled product is received; and
- (c) was prepared and dated not more than three years before the date that the controlled product is received.

(2) Where there is a controlled product in the work place and the supplier material safety data sheet pertaining to the controlled product is three years old, the employer shall, where possible, obtain from the supplier an up-to-date supplier material safety data sheet.

(3) Where it is not possible for an employer to obtain an up-to-date supplier material safety data sheet referred to in subsection (2), the employer shall update the hazard information on the most recent supplier material safety data sheet that he has received on the basis of the ingredients disclosed in that supplier material safety data sheet.

(4) Where a controlled product is received in a work place that is a laboratory, the employer is excepted from the requirements of subsection (1) if the controlled product

- (a) originates from a laboratory supply house;
- (b) is intended for use in a laboratory;
- (c) is packaged in a container in a quantity of less than 10 kg; and
- (d) is packaged in a container that has applied to it a supplier label.

### Work Place Material Safety Data Sheets

**10.33** (1) Subject to section 10.42, where an employer produces a controlled product, other than a fugitive emission, in the work place or imports a controlled product into the work place, the employer shall prepare a work place material safety data sheet in respect of the controlled product that discloses the information required to be disclosed by the *Controlled Products Regulations*.

(2) Subject to section 10.42, where an employer receives a supplier material safety data sheet, the employer may prepare a work place material safety data sheet to be used in the work place in place of the supplier material safety data sheet if

- (a) the work place material safety data sheet discloses at least the information disclosed on the supplier material safety data sheet;
- (b) the information disclosed on the work place material safety data sheet does not disclaim or contradict the information disclosed on the supplier material safety data sheet;
- (c) the supplier material safety data sheet is available for examination by employees in the work place; or
- (d) the work place material safety data sheet discloses that the supplier material safety data sheet is available in the work place.

(3) Where an employer produces, in a work place that is a laboratory supply house, or imports into such a work place a controlled product that is intended for use in a laboratory, the employer is excepted from the requirements of subsection (1) if the employer

- (a) packages the controlled product in containers in quantities of less than 10 kg per container; and
- (b) subject to section 10.42, discloses on the label of the container of the controlled product the information required to be disclosed by section 10.39.

(4) The employer shall update the work place material safety data sheet referred to in subsection (1) or (2) or the label referred to in paragraph (3)(b)

- (a) as soon as is practicable in the circumstances but not later than 90 days after new hazard information becomes available to the employer; and
- (b) at least every three years.

(5) Where the information required to be disclosed by this section is not available to the employer or not applicable to the controlled product, the employer shall replace the information by the words "not available" or "not applicable", as the case may be in the English version and the words "pas disponible" or "sans objet" as the case may be, in the French version of the material safety data sheet.

#### **Availability of Material Safety Data Sheets**

**10.34** (1) Subject to subsection (2), every employer, other than an employer referred to in subsection 10.32(4), shall keep readily available for examination in any work place in which an employee may handle or be exposed to a controlled product a copy in English and in French of

- (a) in the case of an employer who is an employer referred to in subsection 10.33(1) or (2) the work place material safety data sheet; and
- (b) in any other case, the supplier material safety data sheet.

(2) In place of keeping a materials safety data sheet readily available in accordance with subsection (1), an employer may make a machine-readable version of the material safety data sheet available in English and in French for examination by the employees and by the committee, if any, by means of a computer terminal if the employer

- (a) takes all reasonable steps to keep the terminal in working order;
- (b) provides the training referred to in paragraph 10.18(2)(d) to the employees and the committee, if any, and
- (c) on the request of an employee, the committee, if any, makes the material safety data sheet readily available to the employee and the committee, if any.

#### **Labels**

**10.35** (1) Subject to section 10.37 to 10.39, each controlled product, other than a controlled product referred to in paragraph 10.31(c), in a work place and each container in which such a controlled product is contained in a work place, shall, if the controlled product or the container was received from a supplier

- (a) in the case of a controlled product that was received in a bulk shipment, be accompanied by a supplied label;

(b) in the case of an employer who has undertaken in writing to the supplier to apply a label to the inner container of the controlled product, have applied

(i) to the outer container a supplier label; and

(ii) as soon as possible after the controlled product is received from the supplier, to the inner container a supplier label; and

(c) in any other case, have applied to it a supplier label.

(2) Subject to sections 10.37 to 10.39 and 10.42, where a controlled product, other than a controlled product referred to in paragraph 10.31(c), is received from a supplier and an employer places the controlled product in the work place in a container, other than the container in which it was received from the supplier, the employer shall apply to the container a supplier label or a work place label that discloses the information referred to in paragraphs 10.36(1)(a) to (c).

(3) Subject to sections 10.41 and 10.42, no person shall remove, deface, modify or alter the supplier label applied to

(a) a controlled product that is in the work place; or

(b) a container of a controlled product that is in the work place.

**10.36** (1) Subject to sections 10.37 to 10.39, where an employer produces a controlled product, other than a fugitive emission, or imports a controlled product into the work place and the controlled product is not in a container, the employer shall disclose the following information on a work place label applied to the controlled product or on a sign posted in a conspicuous place in the work place

(a) the product identifier;

(b) hazard information in respect of the controlled product; and

(c) a statement indicating that a work place material safety data sheet for the control product is available in the work place.

(2) Subject to sections 10.37 to 10.39, where an employer produces a controlled product, other than a fugitive emission, in the work place or imports a controlled product in the work place, and places the controlled product in a container, the employer shall apply to the container a work place label that discloses the information referred to in paragraphs (1)(a) to (c).

(3) Subsection (2) does not apply in respect of a controlled product that is

(a) intended for export; or

(b) packaged in a container for sale in Canada, if the container is or is in the process of being appropriately labeled for that purpose.

### **Portable Containers**

**10.37** Where an employer stores a controlled product in the work place in a container that has applied to it a supplier label or a work place label, a portable container filled from that container does not have to be labeled in accordance with section 10.35 or 10.36 if

(a) the controlled product is required for immediate use; or

- (b) the following conditions apply in respect of the controlled product;
  - (i) it is under the control of and used exclusively by the employee who filled the portable container;
  - (ii) it is used only during the work shift in which the portable container was filled, and
  - (iii) it is clearly identified by a work place label applied to the portable container that discloses the product identifier.

### **Special Cases**

**10.38** An employer shall, in a conspicuous place near a controlled product, post a sign in respect of the controlled product that discloses the product identifier if the controlled product is

- (a) in a process, reaction or storage vessel;
- (b) in a continuous-run container;
- (c) a bulk shipment that is not placed in a container at the work place or
- (d) not in a container or stored in bulk.

### **Laboratories**

**10.39** The label of the container of a controlled product in a laboratory on a marine installation or structure shall disclose

- (a) where the controlled product is used exclusively in the laboratory, the product identifier;
- (b) where the controlled product is a mixture or substance undergoing an analysis, test or evaluation in the laboratory, the product identifier; and
- (c) where the controlled product originates from a laboratory supply house and was received in a container containing a quantity of less than 10 kg, the following information:
  - (i) the product identifier;
  - (ii) where a material safety data sheet is available, a statement to that effect;
  - (iii) risk phrases that are appropriate to the controlled product;
  - (iv) precautionary measures to be followed when handled using or being exposed to the controlled product; and
  - (v) where appropriate, first aid measures to be taken in case of exposure to the controlled product.

### **Signs**

**10.40** The information disclosed on a sign referred to in subsection 10.36(1), section 10.38 or paragraph 10.43(b) shall be of such a size that it is clearly legible to the employees in the work place.

## Replacing Labels

**10.41** Where, in the work place, a label applied to a controlled product or a container of a controlled product becomes illegible or is removed from the controlled product or the container, the employer shall replace the label with a work place label that discloses the following information:

- (a) the product identifier;
- (b) hazard information in respect of the controlled product; and
- (c) a statement indicating that a material safety data sheet for the controlled product is available in the work place.

## Exemptions from Disclosure

**10.42** (1) Subject to subsection (2), where an employer has filed a claim for exemption from the requirement to disclose information on a material safety data sheet or on a label pursuant to subsection 11(2) of the *Hazardous Materials Information Review Act*, the employer shall disclose, in place of the information that the employer is exempt from disclosing,

- (a) where there is no final disposition of the proceedings in relation to the claim, the date that the claim for exemption was filed and the registry number assigned to the claim under the *Hazardous Materials Information Review Act*; and
- (b) where the final disposition of the proceedings in relation to the claim is that the claim is valid, a statement that an exemption has been granted and the date on which the exemption was granted.

(2) Where a claim for exemption referred to in subsection (1) is in respect of the chemical name, common name, generic name, trade name or brand name of a controlled product, the employer shall, on the material safety data sheet or label of the controlled product, replace that information with a code name or code number specified by the employer as the product identifier for that controlled product.

## Hazardous Waste

**10.43** Where a controlled product in the work place is hazardous waste, the employer shall clearly identify it as hazardous waste by

- (a) applying a label to the hazardous waste or its container; or
- (b) posting a sign in a conspicuous place near the hazardous waste or its container.

## PART XI

### CONFINED SPACES

#### Interpretation

**11.1** In this Part, "confined space" means a storage tank, process vessel, ballast tank or other enclosure not designed or intended for human occupancy, except for the purpose of performing work

- (a) that has poor ventilation,
- (b) in which there may be an oxygen atmosphere, or

- (c) in which there may be an airborne hazardous substance.

### **General**

**11.2** Where the nature of the work performed in a work place requires a person to enter a confined space, the employer shall

- (a) establish safe procedures to be followed by the person entering into, exiting from or occupying the confined space; and
- (b) establish emergency procedures to be followed in the event of an accident or other emergency in or near the confined space.

**11.3 (1)** Where a person is about to enter into a confined space, the employer shall appoint a qualified person to verify by tests that

- (a) the concentration of any airborne chemical agent in the confined space
  - (i) will not result in an exposure of the person to a value exceeding the value prescribed in subsection 10.21(1), and
  - (ii) does not exceed the percentage prescribed in section 10.22;
- (b) the concentration of airborne hazardous substances, other than chemical agents, in the confined space is not hazardous to the safety or health of the person;
- (c) the percentage of oxygen in the atmosphere in the confined space is not less than 18 per cent by volume and not more than 23 per cent by volume at normal atmospheric pressure and in any case the partial pressure of oxygen is not less than 135 mm Hg;
- (d) the value, level or percentage referred to in paragraph (a) to (c) can be maintained during the period of proposed occupancy of the confined space by the person;
- (e) any liquid in which a person may drown or any free-flowing solid in which a person may become entrapped has been removed so far as is practicable from the confined space;
- (f) the entry of any liquid, free-flowing solid or hazardous substance into the confined space has been prevented by a secure means of disconnection, the fitting of a blank flange or other barrier;
- (g) all electrical and mechanical equipment that presents a hazard to a person entering into, exiting from or occupying the confined space has been disconnected from its power source and locked out; and
- (h) the opening for entry into and exit from the confined space is sufficient in size to allow safe passage of a person who is using protection equipment.

(2) The qualified person referred to in subsection (1) shall, in a written report signed by that qualified person,

- (a) set out
  - (i) the location of the confined space,
  - (ii) a record of the results of the tests made in accordance with subsection (1), and
  - (iii) an evaluation of the hazards of the confined space;

- (b) identify which of the procedures referred to in paragraph 11.2(a) are to be followed;
- (c) identify the protection equipment referred to in Part XII that is to be used by every person granted access to the confined space;
- (d) identify which of the emergency procedures referred to in paragraph 11.2(b) are to be followed in the event of an accident or other emergency in or near the confined space, including immediate evacuation of the confined space when
  - (i) an alarm is activated; or
  - (ii) there is any significant change in the value, level or percentage referred to in subsection (1); and
- (e) identify the protection equipment and emergency equipment to be used by a person who undertakes rescue operations in the event of an accident or other emergency.

(3) The employer shall provide to each person granted access to the confined space the protection equipment referred to in subsection (2).

(4) The written report referred to in subsection (2) and any procedures identified therein shall be explained to a person who is about to enter into the confined space, other he qualified person referred to in subsection (1), and the person shall acknowledge by signing a dated copy of the report that the person has read the report and that the report and the procedures were explained to the person.

(5) The person referred to in subsection (4) shall be instructed and trained

(a) in the procedures referred to in section 11.2; and

(b) in the use of the protection equipment referred to in paragraph (2)(c).

(6) Every person who enters into, exits from or occupies the confined space shall

(a) follow the procedures referred to in section 11.2; and

(b) use the protection equipment referred to in paragraph (2)(c).

**11.4** Where conditions in the confined space or the nature of the work to be performed in the confined space are such that subparagraph 11.3(1)(a)(i) and paragraphs 11.3(1)(b), (c) and (e), cannot be complied with, the following procedures shall apply:

(a) a qualified person trained in the procedures referred to in section 11.2 shall be

(i) in attendance outside the confined space,

(ii) in communication with the person inside the confined space; and

(iii) provided with a suitable alarm device for summoning assistance;

(b) every person granted access to the confined space shall be provided with and trained in the use of the protection equipment referred to in paragraph 11.3(2)(c);

(c) every person entering into, exiting from and occupying the confined space shall wear a safety harness;

- (d) where the conditions or operations to be conducted within the confined space are such that the safety of the person referred to in paragraph (c) would not be impaired, the safety harness shall be securely attached to a life line that:
  - (i) is attached to a secure anchor outside the confined space, and
  - (ii) is controlled by the qualified person referred to in paragraph (a);
- (e) two or more persons shall be in the immediate vicinity of the confined space to assist in the event of an accident or other emergency; and
- (f) one of the persons referred to in paragraph (d) shall
  - (i) be trained in the emergency procedures referred to in paragraph 11.2(b),
  - (ii) be a level two first aid attendant; and
  - (iii) be provided with the protection equipment and emergency equipment referred to in paragraph 11.3(2)(c).

**11.5** Before a confined space is sealed, the person in charge of the area surrounding the confined space shall ascertain that no person is inside the confined space.

#### **Hot Work Operations**

**11.6** (1) Hot work shall not be performed in a confined space where explosive or flammable concentrations of a hazardous substance may be present unless a qualified person has determined that the work can be safely performed therein.

- (2) Where hot work is to be performed in a confined space
  - (a) a qualified person shall patrol the area surrounding the confined space and maintain therein a fire protection watch until all hazard of fire is passed; and
  - (b) fire extinguishers shall be provided in the area referred to in paragraph (a).

#### **Ventilation Equipment**

**11.7** (1) Where a hazardous substance may be produced by hot work in a confined space,

- (a) the confined space shall be ventilated in accordance with subsection (2); or
- (b) every person who enters into, exits from or occupies the confined space shall use a respiratory protective device that meets the requirements of section 12.7.

(2) Where the concentration of an airborne hazardous substance or oxygen in the atmosphere in a confined space is maintained at the value, level or percentage prescribed in subsection 11.3(1) by the use of ventilation equipment, no person shall be granted access to the confined space unless

- (a) the ventilation equipment is
  - (i) equipped with an alarm that will, if the equipment fails, be activated automatically and be audible or visible to any person in the confined space, or
  - (ii) monitored by a person who is in constant attendance at the equipment; and

(b) in the event of failure of the ventilation equipment, sufficient time will be available for the person to escape from the confined space before

(i) that person's exposure to or the concentration of a hazardous substance therein exceeds the value, level or percentage prescribed in paragraph 11.3(1)(a) or (b); or

(ii) the percentage of oxygen in h atmosphere ceases to meet the requirements of paragraph 11.3(1)(c).

(3) The person referred to in subparagraph (2)(a)(ii) shall activate an alarm in the event of fault operation of the ventilation equipment.

### **Reports and Procedures**

**11.8** The written report referred to in subsection 11.3(2) shall be kept by the employer for one year from the date on which the qualified person signs the report.

**11.9** The employer shall keep a copy of the procedures referred to in section 11.2 at his place of business nearest to the work place in which the confined space is located.

## **PART XII**

### **SAFETY MATERIALS, EQUIPMENT, DEVICES AND CLOTHING**

#### **General**

**12.1** Where

(a) it is not reasonably practicable to eliminate or control, a safety or health hazard in a work place within safe limits, and

(b) the use of protection equipment may prevent or reduce injury from that hazard,

every person granted access to the work place who is exposed to that hazard shall use the protection equipment prescribed by this Part.

**12.2** All protection equipment

(a) shall be designed to protect the person from the hazard for which it is provided; and

(b) shall not in itself create a hazard.

**12.3** All protection equipment provided by the employer shall

(a) be maintained, inspected and tested by a qualified person; and

(b) where necessary to prevent a health hazard, be maintained in a clean and sanitary condition by a qualified person.

#### **Protective Headwear**

**12.4** Where there is a hazard of head injury in a work place, the employer shall provide protective headwear that meets the standards set out in CSA Standard Z94.1-M1977, *Industrial Protective Headwear*, as amended from time to time.

### **Protective Footwear**

**12.5** (1) Where there is a hazard of a foot injury or electric shock through footwear in a work place, protective footwear that meets the standards set out in CSA Standard Z195-M1984, *Protective Footwear*, as amended from time to time.

(2) Where there is a hazard of slipping in a work place, non-slip footwear shall be used.

### **Eye and Face Protection**

**12.6** Where there is a hazard of injury to the eyes, face, ears or front of the neck of an employee in a work place, the employer shall provide eye or face protectors that meet the standards set out in CSA Standard Z94.3-M1982, *Industrial Eye and Face Protectors*, as amended from time to time.

### **Respiratory Protection**

**12.7** (1) Subject to subsection (4), where there is a hazard of an airborne hazardous substance or an oxygen deficient atmosphere in a work place, the employer shall provide a respiratory protection device that is listed in the *NIOSH Certified Equipment List* as amended from time to time, published by the United States National Institute for Occupational Safety and Health.

(2) A respiratory protective device referred to in subsection (1) shall be selected, fitted, cared for, used and maintained in accordance with the standards set out in CSA Standard Z94.4-M1982, *Selection, Care and Use of Respirators*, as amended from time to time, excluding clauses 6.1.5, 10.3.3.1.2 and 10.3.3.4.2(c).

(3) Where air is provided for the purpose of a respiratory protective device referred to in subsection (1),

- (a) the air shall meet the standards set out in clauses 5.5.2 to 5.5.11 of CSA Standard CAN3-Z180-1-M85, *Compressed Breathing Air and Systems*, as amended from time to time, and
- (b) the system that supplies air shall be constructed, tested, operated and maintained in accordance with the CSA Standard referred to in paragraph (a).

(4) Where there is a likelihood of exposure to hydrogen sulphide gas or combustible gases at a drilling rig located on a marine installation or structure, the employer shall provide, at a readily accessible location

- (a) on the drill floor, at least five self-contained positive pressure breathing devices or an air manifold equipped with at least five face masks;
- (b) in the area of the shale shakers, at least two self-contained positive pressure breathing devices;
- (c) at least two portable hydrogen-sulphide gas detectors; and
- (d) at least two portable combustible gas detectors.

(5) On every marine installation or structure on which a drilling rig or a production facility is located, at least self-contained positive pressure breathing devices in addition to those required pursuant to subsection (4) shall be located in readily accessible appropriate locations remote from the drill floor and the area of the shale shakers.

(6) No person who may be required to use a respiratory protective device shall have hair that interferes with the functioning of the breathing device.

**12.8** Where a self-contained breathing apparatus cylinder has a dent more than 1.5 mm deep and less than 50 mm in major dimensions or shows evidence of deep pitting, cracks, splits, gouges or any other defect with a sharp bottom, the cylinder shall be removed from service until it has been shown to be safe for use by a hydrostatic test performed by a qualified person.

### **Skin Protection**

**12.9** Where there is a hazard of injury or disease to or through the skin in a work place the employer shall provide to every person granted access to the work place

- (a) a shield or screen;
- (b) a cream or barrier lotion to protect the skin; or
- (c) an appropriate body covering.

### **Fall-Protection Systems**

**12.10** (1) Where a person, other than an employee who is installing or removing a fall-protection system in accordance with the instructions referred to in subsection (5), works from

- (a) an unguarded structure that is
  - (i) more than 2.4 m above the nearest permanent safe level,
  - (ii) above any moving parts of machinery or any other surface or thing that could cause injury to an employee upon contact,
  - (iii) above an open hopper, vat or pit, or
  - (iv) above water more than 1 m deep, or
- (b) a ladder at a height of more than 2.4 m above the nearest permanent safe level where, because of the nature of the work, that person can use only one hand to hold onto the ladder,

the employer shall provide a fall-protection system.

- (2) The components of a fall-protection system shall meet the following standards:
  - (a) CSA Standard Z259.1-1976, *Fall-Arresting Safety Belts and Lanyards for the Construction and Mining Industries*, as amended from time to time;
  - (b) CSA Standard Z259.1-M1979, *Fall-Arresting Devices, Personnel Lowering Devices and Life Lines*, as amended from time to time; and
  - (c) CSA Standard Z259.3-M1978, *Lineman's Body Belt and Lineman's Safety Strap*, as amended from time to time.
- (3) The anchor of a fall-protection system shall be capable of withstanding a force of 17.8 kN.
- (4) A fall-protection system that is used to arrest the fall of a person shall prevent that person
  - (a) from being subject to peak fall arrest force greater than 8 kN; and
  - (b) from falling freely for more than 1.2 m.

(5) Every employee required to install or remove a fall-protection system in a work place shall be instructed and trained by the employer in the procedures to be followed for the installation or removal of the system.

### **Emergency Escape Devices**

**12.11** (1) Where practicable, an emergency escape device shall be provided in the derrick of a drilling rig or at any elevated work place on a marine installation or structure.

(2) Where an emergency escape device referred to in subsection (1) is provided,

(a) the device shall be equipped with a brake mechanism that controls the descent of an employee using the device; and

(b) the employer shall set out working instructions for the use of the device.

(3) The instructions referred to in paragraph (2)(b) shall be kept in a conspicuous place on the marine installation or structure.

(4) An emergency escape device referred to in subsection (1) shall be installed, inspected and maintained by a qualified person.

### **Protection Against Drowning**

**12.12** (1) Where, in a work place, there is a danger of falling overboard the employer shall provide every person granted access to the work place with

(a) a life jacket or personal flotation device that meets the standards set out in the Canadian General Standards Board Standard

(i) CAN2-65.7-M80, Life Jackets, *Inherently Buoyant Type*, as amended from time to time, or

(ii) 65-GP-11, Standard for: *Personal Flotation Devices*, as amended from time to time;

(b) a safety net; or

(c) a fall-protection system.

(2) Where, in a work place there is a danger of falling over-board,

(a) a standby vessel shall be positioned as near as practicable to the work location and the crew of the standby vessel shall be on alert, ready to provide assistance;

(b) emergency equipment shall be provided and held in readiness;

(c) a qualified person shall be readily available to operate all the emergency equipment;

(d) if appropriate, a powered rescue boat shall be provided and held in readiness; and

(e) written emergency procedures shall be prepared by the employer containing

(i) a full description of the procedures to be followed and the responsibilities of all persons granted access to the work place, and

(ii) the location of any emergency equipment.

### **Loose-Fitting Clothing**

**12.13** Loose-fitting clothing, long hair, dangling accessories jewelry or other similar items that are likely to be hazardous to the safety or health of an employee in a work place shall not be worn unless they are so tied, covered or otherwise secured as to prevent the hazard.

### **Protection from Extreme Temperatures**

**12.14** Where there is a likelihood that exposure of an employee to extreme temperatures could result in the employee suffering from hypothermia or hyperthermia, protection equipment suitable to protect the employee from the hazard shall be used.

### **Protection Against Moving Equipment**

**12.15** (1) For the purpose of this section, "moving equipment" includes mobile equipment, cranes and moving loads on materials handling equipment.

(2) Where an employee is regularly exposed to a hazard from moving equipment in the work place, he shall wear a high-visibility vest or other high-visibility clothing.

### **Fire Protection Equipment**

**12.16** (1) Every work place shall be equipped with the fire protection equipment that is appropriate for fighting any class of fire that might occur.

(2) No person shall tamper with or activate without cause any of fire protection equipment.

**12.17** All fire protection equipment shall be

- (a) inspected by a qualified person at least once a month; and
- (b) tested, maintained and repaired by a qualified person.

### **Helicopter Passenger Suit**

**12.18** (1) Any passenger of a helicopter traveling over water to an offshore work place shall wear a helicopter passenger suit.

(2) The suit referred to in subsection (1) shall meet the standards set out in the Canadian General Standards Board Standard, CAN/CGSB-65.17-M88, *Helicopter Passenger Transportation Suit System*.

### **Records**

**12.19** (1) A record of all protection equipment provided by the employer and requiring maintenance shall be kept for as long as the equipment is in use.

- (2) The record referred to in subsection (1) shall contain
- (a) a description of the protection equipment and the date of its acquisition by the employer;
  - (b) the date and result of each inspection and test of the equipment;
  - (c) the date and nature of any maintenance work performed on the equipment since its acquisition by the employer; and

- (d) the name of the qualified person who performed the inspection, test or maintenance of the equipment.

### **Instructions and Training**

**12.20** (1) Every person granted access to the work place who used protection equipment shall be instructed by the employer in the use of the equipment.

(2) Every employee who uses protection equipment shall be instructed and trained in the use, operation and maintenance of the equipment.

(3) Every person granted access to a work place shall be instructed in respect of the written emergency procedures referred to in paragraph 12.12(2)(e).

(4) The employer shall

(a) set out in writing and keep readily available for examination by the employees referred to in subsection (2) the instructions referred to in that subsection; and

(b) keep readily available for examination by every person granted access to the work place a copy of the emergency procedures referred to in paragraph 12.12(2)(e).

### **Defective Protection Equipment**

**12.21** Where an employee finds any defect in protection equipment that may render it unsafe for use, he shall report the defect to this employer as soon as possible.

**12.22** An employer shall mark or tag as unsafe and remove from service any protection equipment that has a defect that may render it unsafe for use.

## **PART XIII**

### **TOOLS AND MACHINERY**

#### **Interpretation**

**13.1** In this Part, "explosive actuated fastening tool" means a tool that, by means of an explosive force, propels or discharges a fastener for the purpose of impinging it on, affixing it to or causing it to penetrate another object or material.

#### **General**

**13.2** Every employer shall, in respect of every work place controlled by that employer, ensure that the tools and machinery used by the employees in the course of their employment meet the standards prescribed in this Part.

#### **Design, Construction, Operation and Use of Tools**

**13.3** The exterior surface of any tool used by an employee in a fire hazard are shall be made of non-sparking material.

**13.4** All portable electric tools used by employees shall meet the standards set out in CSA Standard C22.2 No. 71.1-M1985, *Portable Electric Tools*, as amended from time to time.

**13.5** (1) Subject to subsection (2), all portable electrical tools used by employees shall be grounded.

- (2) Subsection (1) does not apply to tools that
  - (a) are powered by a self-contained battery;
  - (b) have a protective system double insulation; or
  - (c) are used in a location where reliable grounding cannot be obtained if the tools are supplied from a double insulated portable ground fault circuit interrupter of the class A type that meets the standards set out in CSA Standard C22.2 No. 144-1977, *Ground Fault Circuit Interrupters*, as amended from time to time.

**13.6** All portable electric tools used by employees in a fire hazard area shall be marked as appropriate for use or designed for use in such a fire hazard area.

**13.7** Where an air hose is connected to a portable air-powered tool used by an employee, a restraining device shall be attached

- (a) to all hose connections; and
- (b) where an employee may be injured by the tool failing, to the tool.

**13.8** (1) All explosive actuated fastening tools used by employees shall meet the standards set out in CSA Standard Z166-1975, *Explosive Actuated Fastening Tools*, as amended from time to time.

(2) No employee shall operate an explosive actuated fastening tool unless authorized to do so by the employer.

(3) Every employer who operates an explosive actuated fastening tool shall operated it in accordance with the CSA Standard referred to in subsection (1).

**13.9** All chain saws used by employees shall meet the standards set out in CSA standard CAN3-Z62.1-M85, *Chain Saws*, as amended from time to time.

### **Defective Tools and Machines**

**13.10** Where an employee finds any defect in a tool or machine that may render it unsafe to use, he shall report the defect to his employer as soon as possible.

**13.11** An employer shall mark or tag as unsafe and remove from service any tool or machine used by his employees that has a defect that may render it unsafe for use.

### **Instructions and Training**

**13.12** Every employee shall be instructed and trained by a qualified person appointed by his employer in the safe and proper inspection, maintenance and use of all tools and machinery that he is required to use.

**13.13** (1) Every employer shall maintain a manual of operating instructions for each type of portable electric tool, portable air-powered tool, explosive actuated fastening tool and machine used by his employees.

(2) A manual referred to in subsection (1) shall be kept by the employer readily available for examination by an employee who is required to use the tool or machine to which the manual applies.

## **General Requirements for Machine and Equipment Guards**

**13.14** (1) Every machine that has explosive moving, rotating, electrically charged or hot parts that processes, transports or handles material that constitutes a hazard to an employee shall be equipped with a machine guard that

- (a) prevents the employee or any part of his body from coming into contact with the parts or material;
- (b) prevents access by the employee to the area of exposure to the hazard during the operation of the machine; or
- (c) renders the machine inoperative if the employee or any part of the employee's clothing is in or near a part of the machine that is likely to cause injury.

(2) So far as is reasonably practicable, a machine guard referred to in subsection (1) shall not be removable.

(3) A machine guard shall be so constructed, installed and maintained that it meets the requirements of subsection (1).

(4) Where there is a particular danger from a wire rope or other equipment that is in tension, appropriate measures shall be taken to protect any employee in the vicinity of the hazard.

## **Use, Operation, Repair & Maintenance of Machine & Equipment Guards**

**13.15** Machine guards shall be operated, maintained and repaired by a qualified person.

**13.16** (1) Subject to subsection (2), where a machine guard is installed on a machine, no person shall use or operate the machine unless the machine guard is in its proper position.

(2) A machine may be operated when the machine guard is not in its proper position in order to permit the removal of an injured person from the machine.

**13.17** (1) Subject to subsection (2), where it is necessary to remove a machine guard from a machine in order to perform repairs or maintenance work on the machine, no person shall perform the repair or maintenance work unless the machine has been rendered inoperative.

(2) Where it is not reasonably practicable to render a machine referred to in subsection (1) inoperative in order to perform repair or maintenance work on the machine, the work may be performed if the person performing the work is a qualified person.

## **Abrasive Wheels**

**13.18** Abrasive wheels shall be

- (a) used only on machines equipped with machine guards,
- (b) mounted between flanges, and
- (c) operated.

in accordance with sections 4 to 6 of CSA Standard B173.5-1979, *Safety Requirements for the Use, Care and Protection of Abrasive Wheels*, as amended from time to time.

**13.19** A bench grinder shall be equipped with a work rest or other device that

- (a) prevents the work piece from jamming between the abrasive wheel and the wheel guard; and
- (b) does not make contact with the abrasive wheel at any time.

### **Mechanical Power Transmission Apparatus**

**13.20** Equipment used in the mechanical transmission of power shall be guarded in accordance with sections 7 to 10 of ANSI Standard ANSI B15.1-1972, *Safety Standard for Mechanical Power Transmission Apparatus*, as amended from time to time.

### **Woodworking Machinery**

**13.21** Woodworking machinery shall be guarded in accordance with clause 3.3 of CSA Standard Z14-M1977, *Safety Code for the Woodworking Industry*, as amended from time to time.

### **Punch Presses**

**13.22** Punch presses shall meet the standards set out in CSA Standard Z142-1976, *Code for the Guarding of Punch Presses at Point of Operation*, as amended from time to time.

## **PART XIV**

### **MATERIALS HANDLING**

#### **Interpretation**

**14.1** In this Part,

"materials handling area" means an area within which materials handling equipment may create a hazard to any person;

"materials handling equipment" means equipment used to transport, lift, move or position materials, goods or things and includes mobile equipment but does not include an elevating device;

"operator" means an employee who operates materials handling equipment;

"safe working load" means, with respect to materials handling equipment, the maximum load that the materials handling equipment is designed and constructed to handle or support safely;

"signaler" means a person instructed by an employer to direct, by means of visual or auditory signals, the safe movement and operation of materials handling equipment.

#### **General**

**14.2** Every employer shall ensure that the materials handling equipment on a marine installation used by his employees in the course of their employment meet the safety standards prescribed by this Part.

## **Division I**

### **Design & Construction**

#### **General**

**14.3** (1) Materials handling equipment shall, so far as is reasonably practicable, be so designed and constructed that if there is a failure of any part of the materials handling equipment, it will not result in loss of control of the materials handling equipment or create a hazardous condition.

(2) All glass in doors, windows and other parts of materials handling equipment shall be of a type that will not shatter into sharp or dangerous pieces on impact.

#### **Standards**

**14.4** (1) The design and construction of drilling and production hoisting equipment shall meet the standards set in API Standard API SPEC 8A, *API Specification for Drilling and Production Hoisting Equipment* as amended from time to time.

(2) The design and construction of offshore cranes shall meet the standards and specifications set out in API standard API Spec 2C, *API Specification for Offshore Cranes*, amended from time to time.

#### **Protection from Falling Objects**

**14.5** (1) Where materials handling equipment is used under such circumstances that the operator may be struck by a falling object or shifting load, the employer shall equip the materials handling equipment with a protective structure of such a design, construction and strength that it will, under all foreseeable conditions, prevent the penetration of the object or load into the area occupied by the operator.

(2) A protective structure referred to in subsection (1) shall be

(a) constructed from non-combustible or fire resistant material; and

(b) designed to permit quick exit from the materials handling equipment in an emergency.

**14.6** Where, during the loading or unloading of materials handling equipment, the load will pass over the operator's position, the operator shall not occupy the materials handling equipment unless it is equipped with a protective structure referred to in section 14.5.

#### **Protection from Overturning**

**14.7** (1) Where mobile equipment is used in circumstances where it may overturn, it shall be fitted with a rollover protection device that meets the standards set out in CSA Standard B352-M1980, *Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial and Mining Machines*, as amended from time to time.

(2) Guards shall be installed on the deck and every elevated working area of a marine installation or structure on which mobile equipment is used to prevent the equipment from falling over the sides of the deck or area.

#### **Fuel Tanks**

**14.8** (1) Where a fuel tank, compressed gas cylinder or similar container contains a hazardous substance and is mounted on materials handling equipment, it shall be so located or protected that under all conditions it is not hazardous to the safety or health of an employee who is required to operate or ride on the materials handling equipment; and

- (2) The fuel tank, compressed gas cylinder or similar container referred to in subsection (1) shall be
- (a) connected to fuel overflow and vent pipes that are so located that fuel spills and vapours cannot
    - (i) be ignited by hot exhaust pipes or other hot or sparking parts, or
    - (ii) be hazardous to the safety or health of any employee who is required to operate or ride on the materials handling equipment; or
  - (b) provided with side glass, fuel gauge or other means to avoid overflow spillage where the fuel overflow or vent pipe referred to in paragraph (a) are so located that the fuel spills and vapours may create a fire hazard.

### **Protection from Environmental Conditions**

**14.9** (1) Materials handling equipment that is regularly used outdoors shall be fitted with a roof or other structure that will protect the operator from exposure to any environmental condition that is likely to be hazardous to the safety or health of the operator.

(2) Where heat produced by materials handling equipment is capable of raising the temperature in any area occupied by an employee to 27°C or more, the area shall be protected from the heat by an insulated barrier.

### **Vibration**

**14.10** All materials handling equipment shall be so designed and constructed that the operator will not be injured or the control of the materials handling equipment impaired by any vibration, jolting or uneven movement of the materials handling equipment.

### **Controls**

**14.11** The arrangement and design of dial displays and the controls and general layout and design of the operator's compartment or position on all materials handling equipment shall not hinder or prevent the operator from operating the materials handling equipment.

### **Fire Extinguishers**

**14.12** (1) Mobile equipment that is used or operated for transporting or handling combustible or flammable substances shall be equipped with a portable dry chemical fire extinguisher.

- (2) The fire extinguisher referred to in subsection (1) shall
- (a) have not less than a 5B rating, as defined in the ULC Standard; and
  - (b) be so located that it is readily accessible to the operator while he is in the operating position.

### **Means of Entering and Exiting**

**14.13** All materials handling equipment shall be provided with a step, handhold or other means of entering into and exiting from the compartment or position of the operator and any other place on the equipment that an employee enters in order to service the equipment.

### **Lighting**

**14.14** Where mobile equipment is used or operated by an employee in a work place at night or at any time when the level of lighting within the work place is less than 2 dalx, the mobile equipment shall be

- (a) fitted on the front and rear thereof with warning lights that are visible from a distance of not less than 100 m; and
- (b) provided with lighting that ensures the safe operation of the equipment under all conditions of use.

### **Control Systems**

**14.15** All mobile equipment shall be fitted with braking, steering and other control systems that

- (a) are capable of safely controlling and stopping the movement of the mobile equipment and any hoist, bucket or other part of the mobile equipment; and
- (b) respond reliably and quickly to moderate effort on the part of the operator.

**14.16** Any mobile equipment that is normally used for transporting employees from place to place in a work place shall be equipped with

- (a) a mechanical parking brake; and
- (b) a hydraulic or pneumatic braking system.

### **Warnings**

**14.17** Mobile equipment shall be fitted with a horn or similar audible warning device having a distinctive sound that can be clearly heard above the noise of the equipment and any surrounding noise.

### **Seat Belts**

**14.18** Where mobile equipment is used under conditions where a seat belt or shoulder strap type restraining device is likely to contribute to the safety of the operator or passengers, the mobile equipment shall be fitted with such a belt or device.

### **Rear View Mirror**

**14.19** Where mobile equipment cannot be operated safely in reverse unless it is equipped with a rear view mirror, the mobile equipment shall be so equipped.

### **Electrical Materials Handling Equipment**

**14.20** Any materials handling equipment that is electrically powered shall be so designed and constructed that the operator and all other employees are protected from electrical shock or injury by means of protective guards, screens or panels secured by bolts, screws or other equally reliable fasteners.

### **Automatic Materials Handling Equipment**

**14.21** Where materials handling equipment that is controlled or operated by a remote or automatic system may make physical contact with an employee, it shall be prevented from doing so by the provision of an emergency stop system barricades.

## **Conveyors**

**14.22** The design, construction, installation, operation and maintenance of each conveyor, cableway or other similar materials handling equipment shall meet the standards set out in ANSI Standard ANSI/ASME B20.1-1984, *Safety Standards for Conveyors and Related Equipment*, as amended from time to time.

## **DIVISION II**

### **Maintenance, Operation and Use**

#### **Inspection, Testing and Maintenance**

**14.23** (1) Before materials handling equipment is operated for the first time in a work place, the employer shall set out in writing instructions for the inspection, testing and maintenance of the materials handling equipment.

(2) The instructions referred to in subsection (1) shall, subject to section 14.24; specify the nature and frequency of inspection, tests and maintenance.

**14.24** (1) Every inspection, test and maintenance of materials handling equipment shall be performed by a qualified person.

(2) The qualified person referred to in subsection (1) shall

(a) comply with the instruction referred to in subsection 14.23(1); and

(b) make and sign a report of each inspection, test or maintenance work performed by him.

(3) The report referred to in paragraph (2)(b) shall

(a) include the date of the inspection, test or maintenance performed by the qualified person;

(b) identify the materials handling equipment that was inspected, tested or maintained; and

(c) set out the safety observations of the qualified person inspecting, testing or maintaining the materials handling equipment.

(4) The employer shall keep at the work place at which the materials handling equipment is located a copy of

(a) the instructions referred to in subsection 14.23(1) for as long as the materials handling equipment is in use; and

(b) the report referred to in paragraph (2)(b) for one year after the report is signed.

**14.25** (1) The operation, maintenance and inspection of all draw works and associated equipment shall meet the standards set out in the API Standard API RP 8B, *API Recommended Practice for Hoisting Tool Inspection and Maintenance Procedures*, as amended from time to time.

(2) The operation, maintenance and inspection of offshore cranes shall meet the standards set out in the API Standard API RP 2D *API Recommended Practice for Operation and Maintenance of Offshore Cranes*, as amended from time to time.

## **Ropes, Slings and Chains**

**14.26** The employer shall, with respect to the use and maintenance of any rope or sling or any attachment or fitting thereon used by an employer, adopt and implement the recommendations set out in the *Rigging Manual*, published by the Construction Safety Association of Ontario, as amended from time to time.

**14.27** The employer shall, with respect to the use and maintenance of any chain used by an employee, adopt and implement the code of practice set out in CSA Standard B75-1947, *Code of Practice for the Use and Care of Chain*, as amended from time to time.

### **Training**

**14.28** (1) Every operator of material handling equipment shall be instructed and trained by the employer in the procedures to be followed for

- (a) the inspection of the materials handling equipment;
- (b) the fueling of the materials handling equipment, where applicable; and
- (c) the safe and proper use of the materials handling equipment.

(2) Every employer shall keep a record of any instruction or training given to an operator for as long as the operator remains in his employ.

### **Operation**

**14.29** No employer shall require an employer to operate materials handling equipment unless the employee is a qualified person.

**14.30** (1) No person shall operate materials handling equipment unless that person

- (a) has a clear and unobstructed view of the area in which the equipment is being operated; or
- (b) is directed by a signaler.

(2) No materials handling equipment shall be used on a ramp with a slope greater than the maximum slope recommended by the manufacturer of the equipment.

(3) No person shall leave mobile equipment unattended unless the equipment has been properly secured to prevent it from moving.

**14.31** (1) Every employer shall establish a code of signals in accordance with the standards referred to in subsection 14.25(2) for the purposes of paragraph 14.30(1)(b) and shall

- (a) instruct every signaler and operator employed by the employer in the use of the code; and
- (b) keep a copy of the in a place where it is readily available for examination by the signalers, operators and other employers.

(2) No signaler shall perform duties other than signalling while any materials handling equipment under that signaler's direction is in motion.

**14.32** (1) Subject to subsection (2), where it is not practicable for a signaler to use visual signals, a telephone, radio or other signalling device shall be provided by the employer for the use of the signaler.

(2) No radio transmitting equipment shall be used in any work place for the transmission of signals when such use may activate electric blasting equipment in that place.

## **Repairs**

**14.33** (1) Subject to subsection (2), any repair, modification or replacement of a part of any materials handling equipment shall not decrease the safety of the materials handling equipment or part.

(2) If a part of less strength or quality than the original part is used in the repair, modification or replacement of a part of any materials handling equipment, the use of the materials handling equipment shall be restricted by the employer to such loading and use as will ensure the retention of the original safety of the equipment or part.

## **Transporting and Positioning Employees**

**14.34** Materials handling equipment shall not be used for transporting or positioning of an employee unless the equipment is

- (a) equipped with a platform, bucket, basket, or safety harness designed for that purpose; and
- (b) provided with a fail-safe control system and operated in a manner that will prevent a free fall of the load that is carried.

## **Loading, Unloading and Maintenance**

**14.35** No materials, goods or things shall be picked from or placed on any mobile equipment while the equipment is in motion unless the equipment is specifically designed for that purpose.

**14.36** Except in the case of an emergency, no employee shall get on or off any mobile equipment while it is in motion.

**14.37** (1) Subject to subsection (2), no repair, maintenance or cleaning work shall be performed on any materials handling equipment while the materials handling equipment is being operated.

(2) Fixed parts of materials handling equipment may be repaired, maintained or cleaned while the materials handling equipment is being operated if they are so isolated or protected that the operation of the materials handling equipment does not affect the safety of the employee performing the repair, maintenance or cleaning work.

## **Positioning the Load**

**14.38** Where mobile equipment is traveling with a raised or suspended load, the operator shall ensure that the load is carried as close to the floor or deck as the situation permits and in no case shall the load be carried at a point above the centre of gravity of the loaded mobile equipment.

## **Tools**

**14.39** Where tools, tool boxes or spare parts are carried materials handling equipment, they shall be securely stored.

## **Housekeeping**

**14.40** The floor, cab or other occupied parts of materials handling equipment shall be kept free of grease, oil, materials, tools or equipment that may cause a hazard to an employee.

## **Parking**

**14.41** No mobile equipment shall be parked in any place where it may interfere with the safe movement of persons, materials, goods or things.

### **Materials Handling Area**

**14.42** (1) The main approaches to any materials handling area shall be posted with warning signs or shall be under the control of a signaler while operations are in progress.

(2) No person shall enter a materials handling area while operations are in progress unless that person is

- (a) a conservation engineer or an officer;
- (b) an employee whose presence in the materials handling area is essential to the conduct, supervision or safety of the operations; or
- (c) a person who has been instructed by the employer to enter the materials handling area while operations are in progress.

(3) If any person other than a person referred to in subsection (2) enters a materials handling area while operations are in progress, the employer shall cause the operations in that area to be immediately discontinued and not resumed until that person has left the area.

### **Dumping**

**14.43** Where mobile equipment designed for dumping is used to discharge a load that may cause mobile equipment to tip,

- (a) a bumping block shall be used; or
- (b) a signaler shall give directions to the operator

to prevent the mobile equipment from tipping.

### **Enclosed Work Place**

**14.44** Every enclosed work place in which materials handling equipment powered by an internal combustion engine is used shall be ventilated in such a manner that the carbon monoxide concentration in the atmosphere of the work place does not exceed the value, level or percentage prescribed in 10.21.

### **Fuelling**

**14.45** Where materials handling equipment is fueled in a work place, the fueling shall be done in accordance with the instructions given by the employer pursuant to section 14.28 in a place where the vapours from the fuel area readily dissipated.

### **Cranes**

**14.46** No person shall operate a crane under conditions that are likely to create a hazard to any person, ship, aircraft, vehicle, load or structure or to the stability of the crane.

**14.47** (1) Every crane shall

- (a) have posted inside the crane control cab a load capacity chart that specifies the boom angle and safe working load for each block; and
- (b) be equipped with
  - (i) boom and block travel limiting devices; and

(ii) where the load rating of the crane is more than five tonnes, a load measuring device for each block that has a load rating of more than five tonnes.

(2) All crane hooks shall be equipped with safety catches.

(3) No person shall move a crane in the vicinity of a helicopter deck when a helicopter is landing or taking off.

**14.48** (1) Tag lines shall be used to control any swinging of a load that is being lifted by a crane except where the use of such lines may be hazardous to the safety of any person.

(2) Loads shall not be left suspended by a crane above the deck of a marine installation or structure, unless the crane operator is at the controls of the crane.

### **Safe Working Loads**

**14.49** (1) No materials handling equipment shall be used or operated with a load that is in excess of its safe working load.

(2) The safe working load of materials handling equipment shall be clearly marked on the equipment or on a label securely attached to a permanent part of the equipment in a position where the mark or label can be easily read by the operator.

### **Blind Corners**

**14.50** At blind corners, where installation of a mirror will significantly reduce the hazard of injury to a person by collision with mobile equipment, the blind corner shall be so equipped.

### **Clearances**

**14.51** On any route that is frequently traveled by mobile equipment, the overhead and side clearances shall be adequate to permit the mobile equipment and its load to be maneuvered safely by an operator.

**14.52** (1) Subject to subsection (2), no materials handling equipment shall be operated in an area in which its load may contact an electrical cable, a part of a pressure system, part of a structure or other hazard known to the employer, unless the operator and signaler, if any, have been

(a) warned of the presence of the hazard;

(b) informed of the location of the hazard; and

(c) informed of the safety clearance that must be maintained with respect to the hazard in order to avoid accidental contact with it.

(3) Where an employee is unable to determine with reasonable certainty the location of the hazard or the safety clearance referred to in subsection (1), every electrical cable shall be de-energized and every pressure system containing a hazardous substance shall be shut down and drained before any operation involving the use of materials handling equipment commences within the area.

## **DIVISION III**

### **Manual Handling of Materials**

**14.53** Where, because of the weight, size, shape, toxicity or other characteristic of materials, goods or things, the manual handling of the materials, goods or things may be hazardous to the safety or health of

an employee, the employer shall issue instructions that the materials, goods or things shall, where reasonably practicable, not be handled manually.

**14.54** Where an employee is required to manually lift or carry a load in excess of 10 kg, the employee shall be instructed and trained by the employer in a safe method of lifting and carrying that load.

#### **DIVISION IV**

##### **Storage of Materials**

**14.55** (1) All materials, goods and things shall be stored and placed in such a manner that the maximum safe load-carrying capacity of the floor or other supporting structures is not exceeded.

(2) No materials, goods or things shall be stored or placed in a manner that may

- (a) obstruct or encroach on passageways or exits;
- (b) impede the safe operation of materials handling equipment;
- (c) obstruct the ready access to or the use and operation of fire fighting equipment;
- (d) interfere with the operation of fixed fire protection equipment; or
- (e) be hazardous to the safety or health of any employee.

#### **PART XV**

##### **HAZARDOUS OCCURRENCE INVESTIGATION, RECORDING AND REPORTING**

###### **Interpretation**

**15.1** In this Part,

"disabling injury" means an employment injury or an occupational disease that

- (a) prevents an employee from reporting for work or from effectively performing all the duties connected with the employee's regular work on any day subsequent to the day on which the disabling injury occurred, whether or not that subsequent day is a working day for that employee,
- (b) results in a loss by an employee of a body member or part thereof or in a complete loss of its usefulness, or
- (c) results in the permanent impairment of a body function of an employee;

"minor injury" means an employment injury or an occupational disease for which first aid or medical treatment is provided and excludes a disabling injury.

###### **Report by Employee**

**15.2** Where an employee becomes aware of an accident or other occurrence arising in the course of or in connection with the employee's work that has caused injury to him or to any other person, the employee shall without delay report the accident or other occurrence to the employer, orally or in writing.

## **Investigation**

**15.3** (1) Where an employer is aware of an accident, occupational disease or other hazardous occurrence affecting any of his employees in the course of employment, the employer shall without delay,

- (a) take necessary measures to prevent a recurrence of the hazardous occurrence;
- (b) appoint a qualified person to carry out an investigation of an prepare a report on the hazardous occurrence; and
- (c) notify the committee, if any, of the hazardous occurrence and of the name of the persons appointed to investigate it.

(2) As soon as possible after receipt of the report referred to in paragraph (1)(b) the employer shall provide a copy thereof to the committee, if any.

## **Hazardous Occurrence Report**

**15.4** (1) The employer shall report, by the most rapid means of communication available, the date, time, location and nature of any accident, occupational disease or other hazardous occurrence referred to in section 15.3 to an officer and to the committee, if any, as soon as possible but not later than 24 hours after becoming aware of the hazardous occurrence, where the hazardous occurrence resulted in one of the following circumstances:

- (a) the death of an employee;
- (b) a missing person;
- (c) a disabling injury to an employee;
- (d) the implementation of emergency rescue, revival, or evacuation procedures;
- (e) a threat to the safety or health of an employee that was caused by
  - (i) a fire or an explosion,
  - (ii) a collision,
  - (iii) an uncontrolled flooding, or
  - (iv) a spill or leak of a hazardous substance;
- (f) the free fall of an elevating device that rendered the elevating device unsafe for use by an employee;
- (g) loss of or damage to support craft.

(2) A written report of the accident, occupational disease or other hazardous occurrence referred to in subsection (1) shall be submitted by the employer within 14 days of the occurrence to

- (a) an officer; and
- (b) to the committee, if any.

### **Minor Injury Record**

**15.5** (1) Every employer shall keep a record of each minor injury of which he is aware that affected any of his employees in the course of employment.

(2) A record made pursuant to subsection (1) shall contain

- (a) the date, time and location of the occurrence that resulted in the minor injury;
- (b) the name of the injured or ill employee;
- (c) a brief description of the minor injury; and
- (d) the causes of the minor injury.

### **Annual Report**

**15.6** Every employer shall, not later than March 1 in each year, submit to the Board a written report setting out the number of accidents, disabling injuries, minor injuries and other hazardous occurrences of which he is aware that affected any of his employees in the course of employment during the 12 month period ending December 31 of the preceding year.

### **Retention of Reports and Records**

**15.7** (1) Subject to subsection (2), every employer shall keep a copy of

- (a) each report and record referred to in this Part for one year after its submission; and
- (b) each record referred to in this Part for one year after the date of the last entry.

(2) Every report with respect to a result referred to in paragraph 15.4(1)(f) shall be kept by the employer for five years after the hazardous occurrence.

## **PART XVI**

### **FIRST AID**

#### **Interpretation**

**16.1** In this Part, "medical clinic" means a medical consultation and treatment facility that is in the charge of a medic or a physician.

#### **General**

**16.2** (1) Every employer shall establish written instructions that provide for the prompt rendering of first aid to an employee for an injury, an occupational disease or an illness.

(2) A copy of the instruction referred to in subsection (1) shall be kept by the employer readily available for examination by employees.

(3) Every employee, upon sustaining an injury or becoming aware of contracting an occupational disease or an illness shall, where practicable, report immediately for treatment to a first aid attendant.

## **Physicians and First Aid Attendance**

**16.3** A physician who has specialized knowledge in the treatment of the safety and health problems that may be encountered in the oil and gas industry shall be readily available at all times for medical consultation.

**16.4** At a marine installation or structure where not more than five employees are normally present, one of those employees shall be a level one first aid attendant.

**16.5** At a marine installation or structure where the number of employees set out in column I of an item of Schedule I to this Part is normally present, that number shall include the number of first aid attendants set out in columns II, III and IV of that item.

**16.6** For the purposes of section 16.4 and 16.5,

- (a) a medic may be counted in the required number of level one first aid attendants and level two first aid attendants; and
- (b) a level two first aid attendant may be counted in the required number of level one first aid attendants.

**16.7** In addition to the requirements of sections 16.4 and 16.5, at a work place in which any employee is working on live high voltage electrical equipment, one of the employees shall be

- (a) a level two first aid attendant; or
- (b) trained to provide
  - (i) mouth-to-mouth resuscitation, cardiopulmonary resuscitation or any other direct resuscitation method; and
  - (ii) resuscitation by the Holger-Neilson Method, Sylvester Method or other similar method.

**16.8** A first aid attendant or medic referred to in sections 16.4, 16.5 or 16.7 shall not be assigned duties that will interfere with the prompt and adequate rendering of first aid and shall

- (a) be assigned to a first aid station or first aid room;
- (b) be readily available to employees in the work place; and
- (c) render first aid to employees that are injured or ill at the work place.

## **First Aid Stations**

**16.9** (1) At least one first aid station shall be provided for every work place.

- (2) A first aid station shall be
  - (a) readily available to all employees; and
  - (b) clearly identified by a conspicuous sign.
- (3) A first aid station shall
  - (a) contain only supplies and equipment that are required for rendering first aid; and

(b) be inspected regularly and its contents maintained in a clean, dry and serviceable condition.

(4) Subsection (1) does not apply where a first aid room or a medical clinic meets the requirements of subsection (2) is provided by the employer.

**16.10** An employer shall post and keep posted in a conspicuous place accessible to every employee

- (a) where there is a particular hazard in a work place, information regarding first aid to be rendered for any injury, occupational disease or illness likely to be sustained or contracted as a result of that hazard;
- (b) information regarding the location of first aid attendants, first aid stations and first aid rooms; and
- (c) at every telephone, an up-to-date list of telephone numbers for use in emergencies.

### **First Aid Supplies and Equipment**

**16.11** (1) For each marine installation or structure at which the number of employees normally present at any time is the number set out in column I of an item of Schedule II to this Part, a first aid kit that is of the type set out in column II of that item shall be provided.

(2) For the purposes of subsection (1), a first aid kit of a type set out at the head of column II, III, IV, V or VI of Schedule III to this Part shall contain the first aid supplies and equipment set out in column I of that Schedule in the applicable number set out opposite those supplies and equipment in column II, III, IV, V or VI.

**16.12** (1) Subject to subsection (2), where a hazard for skin or eye injury from a hazardous substance exists in the work place, shower facilities to wash the skin and eye wash facilities to irrigate the eyes shall be provided for emergency use by employees.

(2) Where it is not practicable to comply with subsection (1), portable equipment that may be used in place of the facilities referred to in subsection (1) shall be provided.

### **First Aid Rooms**

**16.13** A first aid room shall be provided where 41 or more employees are normally present at any time on a marine installation or structure.

**16.14** Every first aid room provided in accordance with subsection 16.13 shall be

- (a) under the supervision of a medic;
- (b) located as close as practicable to the work place and within easy access to a
  - (i) toilet room,
  - (ii) a telephone, which can permit communications with the physician referred to in section 16.3, and
  - (iii) list of telephone numbers for use in emergencies.
- (c) constructed to allow for optimum ease of access to persons carrying a patient on a stretcher;
- (d) maintained in an orderly and sanitary condition;
- (e) clearly identified by a conspicuous sign;

- (f) equipped with
  - (i) a lockable storage cupboard and a counter,
  - (ii) the first aid supplies and equipment set out in column I of Schedule IV to this Part in the applicable quantities set out in column II of that Schedule,
  - (iii) a copy of the emergency procedures referred to in section 17.9, and
  - (iv) information regarding hazardous substances in the work place and the first aid treatment required to treat exposure to the hazardous substances; and
- (g) maintained, where practicable, at a temperature of not less than 18°C and not more than 24° C, measured 1 m above the floor.

### **Transportation**

**16.15** Before assigning employees to a work place, the employer shall provide for that work place

- (a) an ambulance service or other suitable means of transporting an injured or ill employee;
  - (i) where practicable, to a hospital at which a physician referred to in section 16.3 practices; or
  - (ii) where it is not practicable to comply with subparagraph (i), to a medical clinic in the charge of a medic who is in contact with a physician referred to in section 16.3;
- (b) a first aid attendant to accompany an injured or ill employee and to render first aid in transit, if required, and
- (c) a means of quickly summoning an ambulance service or other means of transportation.

### **Records**

**16.16** (1) Where an injured or ill employee reports for treatment to a first aid attendant in accordance with subsection 16.2(3) or where a first aid attendant renders first aid to an employee, the first aid attendant shall

- (a) enter in a first aid record the following information:
  - (i) the date and time of the reporting of the injury, occupational disease or illness,
  - (ii) the full name of the injured or ill employee,
  - (iii) the date, time and location of the occurrence of the injury, occupational disease or illness,
  - (iv) a brief description of the first aid rendered, if any, and
  - (v) a brief description of arrangements made for the treatment or transportation of the injured or ill employee; and
- (b) sign the first aid record adjacent to the information entered in accordance with paragraph (a).

(2) The employer shall keep a first aid record containing information entered in accordance with subsection (1) for one year after the date of that entry.

**SCHEDULE I (Section 16.5)**

**FIRST AID ATTENDANTS FOR A  
MARINE INSTALLATION OR STRUCTURE**

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<b>COLUMN I</b>	<b>COLUMN II</b>	<b>COLUMN III</b>	<b>COLUMN IV</b>
Item      Number of Employees	Number of Level 1 F/A Attend.	Number of Level 2 F/A Attend.	Number of Medics
1. 6 to 10	1 plus 1 for every 2 employees in excess of 6	----	----
2. 11 to 40	3 plus 1 for every 2 employees in excess of 11	1	----
3. over 40	17 plus 1 for every 2 emp- loyees in excess of 41	2 plus 1 for every 10 emp- loyees in excess of 41	1

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**SCHEDULE II  
(Subsection 16.11(1))**

**FIRST AID KITS**

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<b>COLUMN I</b>	<b>COLUMN II</b>
Item      Number of Employees	Type of First Aid Kit
1. 1 detached from the main party	A
2. 2 to 5	B
3. 6 to 15	C
4. 16 to 40	D
5. 41 or more	E

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**SCHEDULE II**  
**(Subsection 16.11(2))**

**CONTENTS OF FIRST AID KITS**

		Type of First Aid Kit				
		A	B	C	D	E
Column I	Column	II	III	IV	V	VI
Item	Supplies & Equipment	Quantities per Type of First Aid Kits				
1.	Antiseptic - wound solution, 60 ml of antiseptic swabs (10-pack)	1	1	2	3	6
2.	Applicator - disposable (10-pack) (not need if antiseptic swabs used)	-	1	2	4	8
3.	Bag - disposable, waterproof, emesis	-	1	2	2	4
4.	Bandage - adhesive strips	6	12	100	200	400
5.	Bandage - gauze 2.5 cm x 4.5 m (not needed if ties attached to dressing)	-	2	6	8	12
6.	Bandage - triangular 100 cm folded and 2 pins	1	2	4	6	8
7.	Container - First Aid Kit	1	1	1	1	1
8.	Dressing - compress, sterile 7.5 cm x 7.5 cm approx.	-	2	4	6	8
9.	Dressing - gauze, sterile 7.5 cm x 7.5 cm approx.	2	4	8	12	18
10.	Forceps - splinter	-	1	1	1	1
11.	Manual - First Aid, English - current edition	-	1	1	1	1
12.	Manual - First, French - current edition	-	1	1	1	1
13.	Pad with shield or tape for eye	1	1	1	2	4

Type of First Aid Kit

		Type of First Aid Kit				
		A	B	C	D	E
Column I	Column	II	III	IV	V	VI
Item	Supplies & Equipment	Quantities per Type of First Aid Kits				
14.	Record - First Aid (section 16.16)	1	1	1	1	1
15.	Scissors - 10 cm	-	-	1	1	1
16.	Tape - adhesive, surgical 1.2 cm x 4.6 m (not needed if ties attached to dressings)	-	1	1	2	3
17.	Antipruritic lotion 30 ml or swabs (10 packs)	-	1	1	1	2
18.	Bandage - elastic 7.5 cm x 5 m	-	-	-	1	2
19.	Blanket - emergency, pocket size	1	-	-	-	-
20.	Dressing - burn, sterile, 10 cm x 10 cm	-	1	1	1	2
21.	Hand cleaner or cleaning towelettes, 1 pk.	-	1	1	1	1
22.	Splint set with padding - assorted sizes	-	-	1	1	1

**SCHEDULE IV  
(Subparagraph 16.14(f)(ii))**

**FIRST AID ROOM SUPPLIES AND EQUIPMENT**

<b>Column I</b>	<b>Column I</b>
<b>Item</b>	<b>Quantity</b>
1. Depressor - tongue (25 pack)	1
2. Alcohol - isopropyl (500 ml)	2
3. Antiseptic - wound solution (250 ml)	2
4. Bandage with applicator - tubular, finger size	1
5. Bandage - gauze 10 cm x 4.5 cm	12
6. Bandage - triangular, 100 cm folded & 2 pins	12
7. Brush - scrub, nail	1
8. Stretcher - folding	1
9. Blanket - bed size	2
10. Basin - wash	2
11. Bedding - disposable, 2 sheets & 2 pillow cases	5
12. Gloves - disposable (100 pack)	1
13. Dressing - burn, sterile 10 cm x 10 cm	12
14. Dressing - compress with ties, sterile, 7.5 cm x 7.5 cm	12
15. Dressing, field, sterile	5
16. Dressing - gauze squares, sterile 5 cm x 5 cm (2 pack)	50
17. Tray - instrument	1
18. Applicator, disposable (10 pack)	5
19. Waste receptacle - covered	1
20. Record - First Aid (Section 16.16)	1
21. Tape - adhesive, surgical (2.5 x 2.6 cm)	1

Column I	Column I
Item <b>Supplies and Equipment</b>	<b>Quantity</b>
22. Bag - hot water or hot pack	1
23. Bag - ice or cold pack	1
24. Soap - liquid with dispenser	1
25. Towels, package or roll of disposable with dispenser	1
26. Bottle with solution - eye irrigation 200 ml	2
27. Cups, box of disposable, with dispenser	1
28. Thermometer, clinical	1
29. First Aid Kit Type B (emergency use)	1
30. First Aid Kit Type E	1
31. Bed - hospital type	1
32. Cervical Collar	1
33. Thermometer, low reading hypothermia	1
34. Flashlight appropriate for environment of the work place	1

## PART XVII

### SAFE OCCUPANCY OF THE WORK PLACE

#### Interpretation

**17.1** In this Part, "emergency evacuation plan" means a written plan for use in an emergency, prepared in accordance with section 17.12.

#### Fire Protection

**17.2** Every work place shall be designed, constructed and arranged to minimize so far as is reasonably practicable, the risk of fire.

**17.3** (1) The fire escapes, exits, stairways and any other means of evacuation at a work place shall be in serviceable condition and ready for use at all times.

(2) Exits to the exterior shall be clearly identified by signs.

### **Fire Hazard Areas**

**17.4** (1) No person shall, in a fire hazard area,

- (a) smoke; or
- (b) subject to subsection (2), perform an hot work.

(2) Where it is not practicable to avoid performing hot work in a fire hazard area, the employer shall

- (a) issue written instructions with respect to the procedures to be followed that will provide for the safe performance of that work;
- (b) show and explain the instructions referred to in paragraph (a) to any employee who is required to work in the fire hazard area; and
- (c) keep a copy of the instructions referred to in paragraph (a) readily available for examination by employees.

**17.5** Signs shall be posted in conspicuous places at all entrances to a fire hazard area

- (a) identifying the area as a fire hazard; and
- (b) prohibiting smoking and the use of an open flame or other source of ignition in the area.

### **Alarm Systems**

**17.6** (1) Every work place shall be equipped with an alarm that warns all employees when

- (a) the safety of the work place is threatened;
- (b) employees are to be evacuated from the work place;
- (c) a fire is likely to threaten the safety and health of employees at the work place; and
- (d) there is a malfunction of a mechanical ventilation system provided for an area where concentration of toxic or combustible gases may accumulate.

(2) No person shall tamper with, render inoperative, or function without cause the alarm system referred to in subsection (1).

### **Emergency Electrical Power**

**17.7** Every marine installation or structure shall be equipped with an emergency electrical power supply sufficient to operate, for at least 18 consecutive hours,

- (a) alarm systems and warning devices;
- (b) emergency lighting referred to in section 6.5;
- (c) internal and external communications systems; and
- (d) light and sound signals marking the location of the work place.

**17.8** Where an emergency switchboard is provided, it shall be independent of the main electrical power supply and shall be located as near as is reasonably practicable to the emergency electrical power supply.

### **Emergency Procedures**

**17.9** (1) Every employer shall prepare emergency procedures to be implemented

- (a) if any person commits or threatens to commit an act that is likely to be hazardous to the safety and health of the employer or any employee;
- (b) when a hazardous occurrence referred to in subsection 15.4(1) occurs;
- (c) where evacuation is not an appropriate means of ensuring the safety and health of employees; and
- (d) in the event of a failure of the lighting system.

(2) Where two or more employers are engaged in work at the same work place, those employers shall prepare co-ordinated emergency procedures.

(3) A copy of the emergency procedures referred to in subsection (2) shall be kept up to date and readily accessible to all employees at the work place.

**17.10** The emergency procedures referred to in section 17.9 shall contain a full written description of the procedures to be followed by the employees, including

- (a) the duties of the employees during the execution of the procedures;
- (b) the name, position, usual location and telephone number of each person responsible for the execution of the procedures;
- (c) a list of agencies, companies or organizations that could render assistance in the event of an emergency and their telephone numbers; and
- (d) a list of the location, number and type of emergency and protection equipment required to carry out the procedures.

### **Emergency Evacuation Plan**

**17.11** Where the emergency procedures referred to in section 17.9 provide for the evacuation of employees from a work place, an emergency evacuation plan shall be prepared by the employer or employers.

**17.12** The emergency evacuation plan referred to in section 17.11 shall include:

- (a) a general layout plan and elevation drawing of the marine installation or structure on which the work place is located, including the date and scale of the drawing and the name of the person who verified the drawing;
- (b) the name, address and telephone number of the holder of an operating licence in respect of the owner of the marine installation or structure where the work place is located and an up-to-date muster list;
- (c) the relative location of other marine installations or structures within the vicinity of the work place;

- (d) a statement of the maximum number of people who can safely occupy the work place under normal conditions;
- (e) a drawing illustrating the arrangement of each deck of the marine installation or structure on which the work place is located that will clearly show
  - (i) the location of all exits, stairways, elevators, corridors, fire escapes and any other routes of exit,
  - (ii) the location, number and type of emergency and protection equipment,
  - (iii) the location of the main emergency shutdown switches for the lighting, heating, ventilation, air conditioning and elevator systems and other electrical equipment,
  - (iv) the location, number and type of all communications equipment,
  - (v) the location, number, type, size and capacity of lifeboats, life rafts, any support craft or other means of transport to be used to evacuate the work place, and
  - (vi) the location of first aid areas and casualty clearing areas; and
- (f) the estimated amount of time required to complete the execution of the plan under normal conditions.

### **Instructions and Training**

**17.13** (1) Each employee shall be instructed and trained in

- (a) the procedures to be followed by the employee in the event of an emergency; and
- (b) the location, use and operation of emergency and fire protection equipment.

(2) A record of all training provided to an employee in accordance with subsection (1) shall be kept by the employer for as long as the employee remains in the employ of the employer.

### **Emergency Drills**

**17.14** (1) A fire drill shall be conducted at least once every two weeks at a marine installation or structure.

(2) An evacuation drill shall be held at least once every week on a marine installation or structure.

(3) In addition to the drills referred to in subsections (1) and (2), a fire drill and an evacuation drill shall be conducted

- (a) prior to the commencement of oil or gas production or production testing of a well; and
- (b) after any significant change is made in the emergency procedures or evacuation plan.

(4) A blowout prevention drill shall be conducted at least once each week that a blowout preventer is in use.

(5) No person shall smoke during a fire drill or evacuation drill.

## **Standby Vessel**

**17.15** For every drilling operation and production operation the employer shall provide a standby vessel that

- (a) is capable of safely evacuating all employees from the marine installation or structure; and
- (b) holds a valid Standby Vessel Letter of Compliance in accordance with TP7920 *Standards Respecting Standby Vessels*, issued by the Canadian Coast Guard, as amended from time to time.

## **Condition of Employees**

**17.16** Subject to section 17.17, no employee shall work where that employee's ability to function is impaired as a result of fatigue, illness, alcohol, drugs or any other condition that may be hazardous to the safety and health of any employee at the work place.

**17.17** Section 17.16 does not apply in the event of an emergency at the work place that may be hazardous to the safety and health of employees.

## **Notices and Records**

**17.18** Every employer shall, in respect of every work place controlled by that employer, provide a copy of this Regulations at a place accessible to every employee.

**17.19** (1) Notice shall be posted at appropriate locations at a work place setting out the emergency procedures to be followed and the escape routes to be used in the event of an emergency.

(2) Every employer shall keep a record of all emergency drills and evacuation drills conducted by his employees for one year after the date of the drill.

(3) The record referred to in subsection (2) shall contain

- (a) the date and time at which the drill was conducted; and
- (b) the length of time taken by the employees to complete the drill.

(4) A copy of the emergency procedures and emergency evacuation plan prepared for the work place shall be kept readily available for examination by employees.

**17.20** (1) The employer shall keep a daily record of each employee present at the work place and of each person granted access to the work place.

(2) The record referred to in subsection (1) shall contain

- (a) the date;
- (b) the name of the employee or the person granted access to the work place; and
- (c) the name of the employer.

(3) The record referred to in subsection (1) shall be kept by the employer for two months after the date of the last daily entry made therein.

## **Boisterous Conduct**

**17.21** (1) No person shall engage in boisterous conduct while at a work place.

(2) No employer shall permit any employee to engage in boisterous conduct while at a work place.

## **PART XVIII**

### **ENFORCEMENT**

**18.1** Pursuant to subsection 194(3) of the Act, every person who contravenes any of the following provisions of these Regulations is guilty of an offence.

- (a) section 1.3
- (b) section 5.13
- (c) section 10.16
- (d) subsection 12.16(2)
- (e) subsection 12.19(4)
- (f) sections 12.20 or 12.21
- (g) sections 13.10 or 13.11
- (h) sections 14.28, 14.29 or 14.30
- (i) section 14.49
- (j) section 15.2
- (k) section 15.3
- (l) sections 15.4, 15.5 or 15.7
- (m) section 16.2
- (n) section 16.10
- (o) section 17.3
- (p) sections 17.4 or 17.5
- (q) subsection 17.6(2)
- (r) section 17.9
- (s) section 17.13
- (t) section 17.14
- (u) section 17.16
- (v) sections 17.18 or 17.9; and
- (w) section 17.20;

**18.2** Every person who wilfully contravenes any provision of these Regulations knowing that the contravention is likely to cause death or serious injury to an employee is guilty of an offence.

**18.3** Pursuant to section 195 of the Act, any person who is guilty of an offence may be subject to a fine, imprisonment, or both.