The Saskatchewan Employment Act

being

Chapter S-15.1* of the *Statutes of Saskatchewan, 2013* (effective April 29, 2014) as amended by the *Statutes of Saskatchewan,* 2014, c.E-13.1 and c.27; 2015, c.31; 2016, c17; 2017, c.P-30.3 and c.31; 2018, c.35 and c.42; 2019, c.20 and c.21; 2020, c.12 and c.14; 2021, c.38; 2023, c.6 and c.40; and 2024, c.4.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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PART XI
Coming into Force

11-1 Coming into force

CHAPTER S-15.1

An Act respecting Employment Standards, Occupational Health and Safety, Labour Relations and Related Matters and making consequential amendments to certain Acts

PART I
Preliminary Matters

Short title

1-1 This Act may be cited as *The Saskatchewan Employment Act*.

Interpretation

1-2(1) In this Act:

(a) **"board"** means the Labour Relations Board continued pursuant to section 6-92;

(b) **"business day"** means a day other than a Saturday, Sunday or holiday;

(c) **"Crown"** means the Crown in right of Saskatchewan;

(d) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(e) **"ministry"** means the ministry over which the minister presides;

(f) **"prescribed"** means prescribed in the regulations made by the Lieutenant Governor in Council.

(2) A reference in a Part to "regulations made pursuant to this Part" is to be read as a reference to regulations made pursuant to that Part and to section 9-12.

2013, c.S-15.1, s.1-2.

Crown bound

1-3 The Crown is bound by this Act.

2013, c.S-15.1, s.1-3.

Responsibilities of minister re Act

1-4(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to the matters governed by this Act.

(2) For the purposes of carrying out the minister's responsibilities pursuant to this Act, the minister may:

(a) collect, assimilate and publish in suitable form statistical and other information relating to conditions of labour and employment in Saskatchewan;

(b) make inquiries into and report on the labour and employment legislation in force in any jurisdiction in or outside Canada and, on the basis of those inquiries and reports, make any recommendations that the minister considers advisable with regard to the labour and employment law of Saskatchewan; and

(c) consider and report on any petition or recommendation for a change in the labour and employment law of Saskatchewan that is presented or made by a union, an employer or any other person.

2013, c.S-15.1, s.1-4.

PART II
Employment Standards

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

2-1 In this Part and in Part IV:

(a) **"corporate director"** means a director of a corporation that is an employer;

(b) **"day"** means:

(i) for the purpose of Subdivisions 2 and 3 of Division 2, any period of 24 consecutive hours; and

(ii) for any other purpose, a calendar day;

(c) **"director of employment standards"** means the director of employment standards appointed pursuant to section 2-80;

(d) **"discriminatory action"** means any action or threat of action by an employer that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of an employee, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty but does not include:

(i) any reassignment of duties for the reasons set out in section 2-41 or subsection 2-49(4); or

(ii) any other prescribed action;

(e) **"emergency circumstance"** means a situation where there is an imminent risk or danger to a person, property or an employer's business that could not have been foreseen by the employer;

(f) **"employee"** includes:

(i) a person receiving or entitled to wages;

(ii) a person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee;

(iii) a person being trained by an employer for the employer's business;

(iv) a person on an employment leave from employment with an employer; and

(v) a deceased person who, at the relevant time, was a person described in any of subclauses (i) to (iv);

but does not include a person engaged in a prescribed activity;

(g) **"employer"** means any person who employs one or more employees and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who, in the opinion of the director of employment standards, either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

(h) **"employment leave"** means a leave mentioned in Subdivision 11 of Division 2 that an employee is entitled to;

(i) **"employment standards officer"** means a person appointed as an employment standards officer pursuant to section 2-81;

(j) **"hourly wage"** means an amount an employee earns or is deemed to earn in an hour as determined in the prescribed manner;

(k) **"immediate family"** means:

(i) the employee's spouse, parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister; or

(ii) the employee's spouse's parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister;

(l) **"layoff"** means the temporary interruption by an employer of the services of an employee for a period exceeding six consecutive work days;

(m) **"minimum wage"** means the minimum wage required to be paid pursuant to section 2-16;

(n) **"modified work arrangement"** means an arrangement whereby the employer requires or permits an employee to work or to be at the employer's disposal that satisfies the requirements of section 2-19;

(o) **"overtime"** and **"overtime pay"** mean:

(i) pay at a rate of 1.5 times an employee's hourly wage; or

(ii) pay at a prescribed rate for a prescribed category of employees;

(p) **"pay instead of notice"** means an amount of money that is payable to an employee pursuant to subclause 2-61(1)(a)(ii);

(q) **"payday"** means the day on which an employee's wages are required to be paid in accordance with section 2-33;

(q.1) **"public health emergency"** means a public health emergency of international concern determined by the World Health Organization in accordance with the *International Health Regulations (2005)* or any subsequent *International Health Regulations*;

(r) **"public holiday pay"** means an amount of money that is payable to an employee pursuant to section 2-32;

(s) **"spouse"** means, with respect to an employee:

(i) the legally married spouse of the employee; or

(ii) a person with whom the employee cohabits and has cohabited as spouses:

(A) continuously for a period of not less than two years; or

(B) in a relationship of some permanence if the person and the employee are the parents of a child;

(t) **"total wages"** means all remuneration that the employee is paid or entitled to be paid by his or her employer but does not include:

(i) bonuses payable at the discretion of the employer; or

(ii) tips or other gratuities;

(u) **"vacation pay"** means an amount of money that is payable to an employee pursuant to section 2-27;

(v) **"wages"** means salary, commission and any other monetary compensation for work or services or for being at the disposal of an employer, and includes overtime, public holiday pay, vacation pay and pay instead of notice;

(w) **"week"** means:

(i) for the purposes of sections 2-11, 2-12 and 2-17 to 2-20:

(A) the period between midnight on a Saturday and midnight on the following Saturday; or

(B) any other period of seven consecutive days that the employer has consistently used when determining the schedule of an employee; and

(ii) for all other purposes, a period of seven consecutive calendar days.

2013, c.S-15.1, s.2-1; 2020, c 14, s.3.

Meaning of permit to work

2-2 For the purposes of this Part, an employer is deemed to have permitted an employee to work within the meaning of the expression "permits to work" or "permitted to work" if the employer:

(a) knows or ought reasonably to know that the employee is working; and

(b) does not cause the employee to stop working.

2013, c.S-15.1, s.2-2.

Application of Part

2-3(1) This Part applies to all employees and employers in Saskatchewan other than:

(a) subject to subsections (2) and (3) and to the regulations made pursuant to this Part, those employees whose primary duties consist of actively engaging in farming, ranching or market gardening activities; and

(b) those employees or employers, or categories of employees or employers, excluded in the regulations made pursuant to this Part from all or portions of this Part.

(2) For the purposes of clause (1)(a), the following are deemed not to be within the meaning of farming, ranching or market gardening:

(a) the operation of egg hatcheries, greenhouses and nurseries;

(b) bush clearing operations;

(c) commercial hog operations.

(3) Section 2-68, Division 5 and section 2-87 apply to an employee employed primarily in farming, ranching or market gardening.

2013, c.S-15.1, s.2-3.

Responsibilities of minister re Part

2-4(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to employment standards and the promotion and enforcement of those standards.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting employment standards;

(b) provide assistance to employees and employers to understand the rights and obligations created by this Part by providing seminars, developing informational material and answering questions relating to those rights and obligations; and

(c) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.2-4.

DIVISION 2
Conditions of Employment

Subdivision 1
General

No charge for hiring or providing information

2-5(1) No person shall request, charge or receive, directly or indirectly, from another person seeking employment a payment for:

(a) seeking employment or obtaining employment for the other person or employing the other person; or

(b) providing information about employers seeking employees.

(2) A person does not contravene this section by requesting, charging or receiving payment for any form of advertisement from the person who placed the advertisement.

(3) A payment received by a person in contravention of this section is deemed to be wages owing to the person who made it and this Part applies to the recovery of the payment.

2013, c.S-15.1, s.2-5.

Agreements not to deprive employees of benefits of Part

2-6 No provision of any agreement has any force or effect if it deprives an employee of any right, power, privilege or other benefit provided by this Part.

2013, c.S-15.1, s.2-6.

More favourable conditions prevail

2-7(1) In this section, **"more favourable"** means more favourable than provided by this Part, any regulations made pursuant to this Part or any authorization issued pursuant to this Part.

(2) Nothing in this Part, in a regulation made pursuant to this Part or in any authorization issued pursuant to this Part affects any provision in any other Act, regulation, agreement, collective agreement or contract of services or any custom insofar as that Act, regulation, agreement, collective agreement, contract of services or custom gives any employee:

(a) more favourable rates of pay or conditions of work;

(b) more favourable hours of work;

(c) more favourable total wages; or

(d) more favourable periods of notice of layoff or termination.

(3) Without restricting the generality of subsection (2), if an employer is obligated to pay an employee for time worked on a public holiday or pay an employee overtime, no provision of any Act, regulation, agreement, collective agreement or contract of service and no custom that provides for the payment of wages for work on a public holiday or for overtime at less than 1.5 times the employee's hourly wage shall be considered more favourable to an employee.

2013, c.S-15.1, s.2-7.

Prohibition on discriminatory action

2-8(1) Unless authorized by this Part, no employer shall take discriminatory action against an employee because the employee:

(a) requests or requires the employer to comply with any right or benefit conferred on employees by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(b) requests or requires the employer to comply with any restriction or prohibition imposed on the employer by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(c) is pregnant or is temporarily disabled because of pregnancy;

(d) has applied for or taken an employment leave or is otherwise absent from the workplace in accordance with this Part;

(e) has requested a modification of the employee's duties or a reassignment to other duties for reasons set out in section 2-41 or subsection 2-49(4);

(f) seeks or has sought the enforcement of any provision in this Part or the regulations made pursuant to this Part; or

(g) has had his or her wages seized or attached.

(2) In any prosecution alleging a contravention of subsection (1), the onus is on the employer to prove that any discriminatory action taken against the employee was taken for good and sufficient cause.

2013, c.S-15.1, s.2-8.

Action to recover wages preserved

2-9(1) Unless otherwise restricted or prohibited by this Act, an employee may bring an action to enforce any right or benefit conferred on the employee by this Part or to recover any wages required to be paid to the employee by this Part.

(2) Unless the court grants leave otherwise, no employer shall assert a right of set-off or file a counterclaim in the action brought by the employee:

(a) for a breach of the terms and conditions of employment;

(b) for the enforcement of any right or benefit conferred on the employee by this Part; or

(c) for the recovery of any wages required to be paid to the employee by this Part.

2013, c.S-15.1, s.2-9.

Employment deemed continuous

2-10 For the purposes of this Part, if a business or part of a business is sold, leased, transferred or otherwise disposed of and an employee continues to be employed at the business after the sale, lease, transfer or disposition, the employee's employment is deemed to be continuous.

2013, c.S-15.1, s.2-10.

Subdivision 2
Hours of Work

Work schedules

2-11(1) An employer shall give notice to an employee of a work schedule containing the following:

(a) the time when work begins and ends;

(b) if work is done in shifts, the time when each shift begins and ends; and

(c) the time when a meal break begins and ends.

(2) The notice required pursuant to subsection (1) must cover at least one week.

(3) If the days or times when an employee is required or permitted to work or to be at the employer's disposal change, the employer shall provide to the employee written notice of the change.

(4) The notice required pursuant to subsection (3) must:

(a) be given in a schedule that contains the information required pursuant to subsection (1) covering at least one week;

(b) be given at least one week before the start of the schedule;

(c) if the schedule mentioned in clause (a) changes after the schedule is provided as required pursuant to clause (b), be given one week before the employee is required or permitted to work or to be at the employer's disposal; and

(d) be personally given to the employee, posted in the workplace, posted online on a secure website to which the employee has access or provided in any other manner that informs the employee of the schedule.

(5) An employer may provide notice of less than one week of a variation to an employee's schedule if unexpected, unusual or emergency circumstances arise.

(6) The director of employment standards may permit a variation from the requirements of this section if the employer has obtained the written consent to the variation from the union that is the bargaining agent for the employees.

2013, c.S-15.1, s.2-11.

Overtime hours not to be required

2-12(1) Subject to subsections (2) and (3), without the consent of an employee, no employer shall require the employee to work or to be at the employer's disposal for more than:

(a) 44 hours in a week; or

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week.

(2) Subject to subsection (3), if an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, the employer shall not require the employee to work or be at the employer's disposal for more than:

(a) 44 hours in a week;

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week; or

(c) the hours in a week as set out in the modified work arrangement or averaging authorization.

(3) Subsections (1) and (2) do not apply if unexpected, unusual or emergency circumstances arise.

2013, c.S-15.1, s.2-12.

Required period of rest

2-13(1) Subject to subsection (2), no employer shall require or permit an employee to work or to be at the employer's disposal for periods that are scheduled so that the employee does not have a period of eight consecutive hours of rest in any day.

(2) Subsection (1) does not apply in emergency circumstances.

(3) Subject to subsections (4) to (6), an employer shall grant one day off every week to an employee who usually works or is at the disposal of the employer for 20 hours or more in a week.

(4) Subsection (3) does not apply to any prescribed workplace or prescribed category of employers or employees.

(5) In prescribed workplaces with more than 10 employees, or for prescribed categories of employees, an employer shall grant to employees in the workplace or to the category of employees two consecutive days off every week.

(6) On receipt of a written application from an employer and the employees or a representative of the employees, the director of employment standards may:

(a) issue a written authorization exempting the employer from subsection (3); and

(b) impose any conditions that the director considers appropriate on the written authorization issued pursuant to clause (a).

2013, c.S-15.1, s.2-13.

Meal breaks

2-14(1) Subject to subsections (2) and (4), an employer shall provide to an employee an unpaid meal break that is of at least 30 minutes' duration within every five consecutive hours of work.

(2) An employer is not required to grant a meal break pursuant to subsection (1):

(a) in unexpected, unusual or emergency circumstances; or

(b) if it is not reasonable for an employee to take a meal break.

(3) If the employer does not grant the meal break mentioned in subsection (1) and the employee works five or more consecutive hours, the employer shall permit an employee to eat while working.

(4) An employer shall provide to an employee an unpaid meal break at a time or times necessary for medical reasons.

2013, c.S-15.1, s.2-14.

Subdivision 3

Obligation to Pay Wages

Total wages

2-15 Subject to this Part, an employer shall pay an employee his or her total wages payable in accordance with the terms and conditions of:

(a) the employee's employment contract; or

(b) if the employer is bound by a collective agreement, the collective agreement.

2013, c.S-15.1, s.2-15.

Minimum wage

2-16(1) An employer shall pay an employee:

(a) at least the prescribed minimum wage for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal; and

(b) at least the prescribed minimum sum when the employee reports for duty.

(2) Subject to subsection (3), if an employer pays an employee on any basis other than by the hour, the employer is deemed to have satisfied clause (1)(a) if the employer has, for the period covered by the payday, paid the employee an amount at least equal to the amount TP calculated in accordance with the following formula:

TP = MW x HW

where:

MW is the prescribed minimum wage; and

HW is the number of hours or parts of an hour in which the employee is required or permitted to work or to be at the employer's disposal during the period covered by the payday.

(3) An employer shall not include in the calculation made pursuant to subsection (2) any payment the employer made to the employee for the purposes of:

(a) annual vacation pay;

(b) any pay required pursuant to clause (1)(b) for an amount exceeding the time worked;

(c) the premium component of overtime and public holiday pay; or

(d) public holiday pay.

2013, c.S-15.1, s.2-16.

Overtime pay

2-17(1) An employer shall pay an employee overtime pay for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal that exceeds the hours determined in accordance with sections 2-18, 2-19 and 2-20.

(2) When calculating overtime pay, an employer:

(a) is not required to include any meal break allowed to an employee if:

(i) notice of the meal break is given in accordance with section 2-11; and

(ii) the employee is not at the disposal of the employer during the meal break;

(b) shall not take into account any time the employee works or is at the employer's disposal on a public holiday;

(c) shall reduce the time when overtime is payable by eight hours for each public holiday occurring in a week; and

(d) shall pay to the employee the greater of:

(i) the total of overtime pay required pursuant to this Subdivision that is calculated on a daily basis; and

(ii) the total of overtime pay required pursuant to this Subdivision that is calculated on a weekly basis.

2013, c.S-15.1, s.2-17.

Overtime pay after eight hours and 40 hours

2-18(1) Unless an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, an employer shall pay the employee overtime for each hour or part of an hour in which the employer requires or permits the employee to work or to be at the employer's disposal for more than:

(a) 40 hours in a week; or

(b) either of:

(i) eight hours in a day if the employer schedules the employee's work in accordance with clause (2)(a); or

(ii) 10 hours in a day if the employer schedules the employee's work in accordance with clause (2)(b).

(2) For the purposes of determining the 40 hour per week maximum pursuant to subsection (1), the employer may require or permit the employee to work or be at the employer's disposal for either:

(a) eight hours in a day for no more than five days in a week; or

(b) 10 hours in a day for no more than four days in a week.

(3) Notwithstanding section 2-7 or subsections (1) and (2), in the prescribed circumstances and subject to the prescribed conditions, an employer and an employee may agree that the employee may bank overtime hours.

(4) Notwithstanding section 2-17, subsection (1) of this section and section 2-19, but subject to subsection (5), an employer shall pay an employee overtime if:

(a) the employee works, on average, fewer than 30 hours per week; and

(b) the employer requires or permits the employee to work or to be at the employer's disposal for more than eight hours in a day.

(5) If employees have a union as their bargaining agent and the employer and the union have agreed respecting the number of hours in a day or week that are to be worked before overtime is paid:

(a) subsection (4) does not apply to those employees; and

(b) the employer shall pay those employees overtime in accordance with the agreement.

2013, c.S-15.1, s.2-18; 2014, c.27, s.3.

Modified work arrangement

2-19(1) Subject to subsection (2), an employer shall pay an employee overtime for each hour or part of an hour in which the employer requires or permits an employee to work or to be at the employer's disposal that exceeds:

(a) the prescribed hours of work; or

(b) with respect to employees who have a union as their bargaining agent, the hours as agreed to by the employer and the union.

(2) Subsection (1) applies if the employer requires the employee to be at the employer's disposal for more than 40 hours in week.

(3) The agreement mentioned in clause (1)(b) must require the payment of overtime if the hours an employee is required or permitted to work or to be at the employer's disposal exceed on average 40 hours per week.

(4) If the agreement mentioned in clause (1)(b) does not satisfy the requirements of subsection (3), the employer shall pay overtime in accordance with section 2-18.

2013, c.S-15.1, s.2-19.

Authorization re overtime

2-20(1) An employer may apply in writing to the director of employment standards for an authorization to pay overtime in accordance with the provisions set out in the authorization.

(2) On receipt of an application pursuant to subsection (1), the director of employment standards may issue the written authorization applied for if the director is satisfied that the requirement of subsection (4) is met and that it is appropriate to do so.

(3) If the director of employment standards issues a written authorization pursuant to subsection (2), the director:

(a) shall determine when the employer is required to pay overtime to an employee; and

(b) may impose any conditions that the director considers appropriate on the written authorization.

(4) The director of employment standards may only issue a written authorization if the number of hours an employee is required or permitted to work or to be at the employer's disposal without being paid overtime does not exceed, on average, 40 hours in a week.

(5) The employer shall provide notice of the written authorization to every employee who will be working in accordance with the written authorization by:

(a) personally giving it to the employee;

(b) posting it in the workplace;

(c) posting it online on a secure website to which the employee has access; or

(d) providing it in any other manner that informs the employee of the notice.

(6) No employer who receives an authorization pursuant to this section shall fail to:

(a) pay overtime in accordance with the terms and conditions of the authorization; or

(b) comply with any conditions imposed on the authorization by the director of employment standards.

(7) Subject to subsections (8) to (12), the director of employment standards may, at any time, cancel an authorization issued pursuant to this Part if the director is satisfied that:

(a) a condition of the authorization has been breached; or

(b) the authorization is no longer necessary or advisable.

(8) Before cancelling an authorization pursuant to subsection (7), the director of employment standards shall:

(a) give the employer to whom the authorization has been issued written notice of the director's intention to cancel the authorization and the reasons for the proposed cancellation; and

(b) provide the employer with an opportunity to make written representations, within 30 days after the notice mentioned in clause (a) is served, as to why the authorization should not be cancelled.

(9) The director of employment standards is not required to give an oral hearing to any employer to whom notice has been given pursuant to clause (8)(a).

(10) After the expiry of the period mentioned in clause (8)(b), the director of employment standards shall provide a written decision to the employer.

(11) The director of employment standards is not required to comply with subsections (8) to (10) if the employer requests that the authorization be cancelled.

(12) The employer shall provide to every employee who was working in accordance with the authorization notice of the cancellation of the authorization by:

(a) personally giving it to the employee;

(b) posting it in the workplace;

(c) posting it online on a secure website to which the employee has access; or

(d) providing it in any other manner that informs the employee of the notice.

2013, c.S-15.1, s.2-20.

Subdivision 4
Discrimination in Pay Prohibited

No discrimination in pay

2-21(1) No employer shall pay an employee of one sex at a rate of pay less than the rate paid to an employee of another sex if:

(a) they are employed by the employer for similar work that is performed in the same workplace under similar working conditions; and

(b) the performance of the work requires similar skill, effort and responsibility.

(2) Subsection (1) does not apply if a payment differential is made pursuant to a seniority system or merit system.

(3) No employer shall reduce the rate of pay of any employee in order to comply with this section.

(4) If an employer has contravened subsection (1), the employer is not, after that contravention, entitled to reduce the rate of pay to which an employee is entitled on the grounds that the work is subsequently performed only by employees of the same sex.

(5) No employer shall pay an employee a different rate of pay on the basis of any prohibited ground, as defined in *The Saskatchewan Human Rights Code, 2018*, unless *The Saskatchewan Human Rights Code, 2018* permits the different rate of pay.

2013, c.S-15.1, s.2-21; 2018, c 35, s.2.

Subdivision 5
Special Rules for Certain Firefighters

Regulations re hours and conditions of work for firefighters

2-22 The Lieutenant Governor in Council may make regulations:

(a) authorizing the establishment of firefighter platoons for prescribed categories of employers;

(b) authorizing the employers mentioned in clause (a):

(i) to require firefighters to work 24 consecutive hours in prescribed circumstances; and

(ii) to determine other conditions of work for firefighters.

2013, c.S-15.1, s.2-22.

Subdivision 6
Annual Vacation

Interpretation for Subdivision

2-23 In this Subdivision:

(a) an employee is considered to have completed a year of employment if the employee has worked for the employer or been in the employer's service for a period of 52 consecutive weeks and during that period:

(i) the employee has not for more than 26 consecutive weeks resigned, been terminated, been laid off or been absent from work; or

(ii) the employee was absent for more than 26 consecutive weeks:

(A) with the consent of the employer; or

(B) on an employment leave; and

(b) an employee is considered to have completed 10 years of employment if the employee has worked for the employer or been in the employer's service for a period of 10 consecutive years or more and during that period:

(i) the employee has not for more than 26 consecutive weeks in any year resigned, been terminated, been laid off or been absent from work; or

(ii) the employee was absent for more than 26 consecutive weeks in any year:

(A) with the consent of the employer; or

(B) on an employment leave.

2013, c.S-15.1, s.2-23.

Annual vacation periods and common date

2-24(1) Every employee is entitled:

(a) subject to clause (b), to an annual vacation of three weeks after the completion of each year of employment with an employer; and

(b) to an annual vacation of four weeks after the completion of 10 years of employment with an employer and after the completion of each subsequent year of employment with that employer.

(2) An employer may use a common date for calculating vacation entitlement of all employees but only if the common date does not result in a reduction of any employee's rights pursuant to this Subdivision.

2013, c.S-15.1, s.2-24.

Manner of taking vacation

2-25(1) If an employee is entitled to an annual vacation pursuant to section 2-24:

(a) the employer shall permit the employee to take the entire vacation within 12 months after the date on which the employee becomes entitled to it; or

(b) the employer shall permit the employee to take the entire vacation to which the employee is entitled:

(i) in one continuous and uninterrupted period; or

(ii) in a manner other than one continuous and uninterrupted period, if:

(A) the vacation periods are not less than one week in length;

(B) the employee provides the employer with written notice of the lengths of time the employee proposes for the vacation periods; and

(C) the notice is provided not later than the employee's vacation entitlement date.

(2) Subject to section 2-26, an employer may require all employees, or all employees in part of a workplace, to take their vacation at a time when the employer has closed all or part of the workplace but only if those vacation periods are not less than one week in length.

2013, c.S-15.1, s.2-25.

Notice of vacation period

2-26 If an employer and employee or union representing the employee cannot agree on the time when the employee is to take his or her vacation, the employer shall give to the employee who is entitled to a vacation pursuant to section 2-24 not less than four weeks' written notice of the commencement of the employee's vacation period or each of the employee's vacation periods, as the case may be.

2013, c.S-15.1, s.2-26.

Vacation pay

2-27(1) An employee is to be paid vacation pay in the following amounts:

(a) if the employee is entitled to a vacation pursuant to clause 2-24(1)(a), three fifty-seconds of the employee's wages for the year of employment or portion of the year of employment preceding the entitlement to the vacation;

(b) if the employee is entitled to an annual vacation pursuant to clause 2-24(1)(b), four fifty-seconds of the employee's wages for the year of employment preceding the entitlement to the vacation.

(2) With respect to an employee who is entitled to a vacation pursuant to section 2-24 but who does not take that vacation, the employer shall pay the employee's vacation pay not later than 11 months after the day on which the employee becomes entitled to the vacation.

(3) The employer shall pay vacation pay to the employee in an amount calculated according to the length of vacation leave taken:

(a) at the employee's request, before the employee takes the vacation; or

(b) on the employee's normal payday.

(4) An employer shall reimburse the employee for any monetary loss suffered by the employee as a result of the cancellation or postponement of the vacation if:

(a) the employee has scheduled a period of vacation at a time agreed to by the employer; and

(b) the employer does not permit the employee to take the vacation as scheduled.

(5) A monetary loss mentioned in subsection (4) is deemed to be wages owing and this Part applies to the recovery of that monetary loss.

2013, c.S-15.1, s.2-27.

When public holiday occurs during a vacation

2-28 If one or more public holidays set out in section 2-30 occur during the period of any vacation that an employee has been permitted by the employer to take pursuant to this Part:

(a) the period of that vacation must be increased by one working day with respect to each public holiday; and

(b) the employer shall pay to the employee, in addition to the vacation pay that the employee is entitled to receive, the wages that the employee is entitled to be paid for each public holiday.

2013, c.S-15.1, s.2-28.

Payment of vacation pay on ending of employment

2-29(1) If the employment of an employee ends, the employer shall pay to the employee the vacation pay to which the employee is entitled pursuant to this Part within 14 days after the day on which the employment ends.

(2) If the employment of an employee ends, the employee is entitled to vacation pay calculated in accordance with section 2-27 on the wages earned by the employee with respect to which the employee has not previously been paid vacation pay.

(3) Subsection (2) applies whether or not an employee has completed a year of employment.

2013, c.S-15.1, s.2-29.

Subdivision 7
Public Holidays

Public holidays

2-30(1) In this section:

(a) **"Family Day"** means the third Monday in February;

(b) **"Saskatchewan Day"** means the first Monday in August.

(2) For the purposes of this Part, the following are public holidays in Saskatchewan:

(a) New Year's Day;

(b) Family Day;

(c) Good Friday;

(d) Victoria Day;

(e) Canada Day;

(f) Saskatchewan Day;

(g) Labour Day;

(h) Thanksgiving Day;

(i) Remembrance Day;

(j) Christmas Day.

(3) In this Part, a reference to a public holiday is a reference to one of the days mentioned in subsection (2) or to a day substituted for that day in accordance with section 2-31.

2013, c.S-15.1, s.2-30.

Substituting another day for a public holiday

2-31 An employer may substitute another day for a public holiday:

(a) in workplaces where a union is the bargaining agent, if the union agrees in writing to substitute another specified day for the public holiday; or

(b) in workplaces where no union is the bargaining agent, if the day that is substituted:

(i) meets the prescribed conditions; or

(ii) is approved by the director of employment standards subject to any terms and conditions set by the director.

2013, c.S-15.1, s.2-31.

Public holiday pay

2-32(1) An employer shall pay an employee for every public holiday an amount equal to:

(a) 5% of the employee's wages, not including overtime pay, earned in the four weeks preceding the public holiday; or

(b) an amount calculated in the prescribed manner for a prescribed category of employees.

(2) For the purposes of subsection (1), an employer shall include in the calculation of an employee's wages:

(a) vacation pay with respect to vacation the employee actually takes in the four weeks preceding the public holiday; and

(b) public holiday pay in an amount required pursuant to subsection (1) if another public holiday occurs in the four-week period mentioned in clause (1)(a).

(3) If an employee works on a public holiday, an employer shall pay the employee the total of:

(a) the amount calculated in accordance with subsection (1); and

(b) for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal:

(i) an amount calculated at a rate of 1.5 times the employee's hourly wage; or

(ii) an amount calculated in the prescribed manner for a prescribed category of employees.

2013, c.S-15.1, s.2-32.

Subdivision 8
Payment of Wages

Paydays

2-33(1) Subject to subsections (2) and (3), an employer shall:

(a) pay to an employee the total wages to which the employee is entitled up to a day not more than six days before the employee's payday; and

(b) pay the employee at least:

(i) monthly;

(ii) semi-monthly; or

(iii) every 14 days.

(2) An employer may only pay an employee on a monthly basis if the employee is paid a salary expressed as a monthly wage or a wage expressed for a period longer than a month.

(3) If the employment of an employee ends, the employer shall pay to the employee the total wages to which the employee is entitled within 14 days after the day on which the employment ends.

(4) Subsection (3) does not entitle an employer to delay payment of any portion of wages to an employee whose employment ends if the employer is required pursuant to subsection (1) to pay those wages on an earlier date.

2013, c.S-15.1, s.2-33.

Wages to be paid notwithstanding dispute

2-34(1) Subject to subsection (2), in the event of a stoppage of work as a result of a labour-management dispute, the total wages to which the employee is entitled at the time of the stoppage are payable at the time required in section 2-33.

(2) If subsection (1) applies and the director of employment standards is satisfied that an employer is prevented from paying wages on the day the wages are due because of factors beyond the employer's control, the director may authorize the employer to pay wages on another day to be specified by the director.

2013, c.S-15.1, s.2-34.

How wages are paid

2-35(1) An employer shall pay all wages to an employee:

(a) in Canadian currency;

(b) by cheque drawn on a bank, credit union or trust corporation;

(c) by deposit to the employee's account in a bank, credit union or trust corporation; or

(d) by a prescribed means.

(2) Subject to subsection (3), all wages of an employee must, at the employer's discretion, be:

(a) paid to the employee during the employee's working hours;

(b) delivered to the employee's place of residence;

(c) sent to the employee by mail in an envelope addressed to the employee's place of residence; or

(d) deposited into a bank, credit union or trust corporation account of the employee's choice.

(3) If an employee is at the time fixed for payment of the employee's wages absent from the place where the wages are payable, the employer shall immediately send the employee's pay by registered mail to the employee's last address known to the employer.

(4) Any agreement between an employer and employee that allows for payment of wages in any other manner than that set out in subsection (1) is void.

(5) No employer shall issue a cheque in payment of wages that is not honoured.

2013, c.S-15.1, s.2-35.

Deductions and special clothing

2-36(1) Except as permitted or required pursuant to this Act, any other Act or any Act of the Parliament of Canada, an employer shall not, directly or indirectly:

(a) make any deductions from the wages that would be otherwise payable to the employee;

(b) require that any portion of the wages be spent in a particular manner; or

(c) require an employee to return to the employer the whole or any part of any wages paid.

(2) In addition to deductions permitted or required pursuant to law, an employer may deduct from an employee's wages:

(a) employee contributions to pension plans or registered retirement savings plans;

(b) employee contributions to other benefit plans;

(c) charitable donations voluntarily made by the employee;

(d) voluntary contributions by the employee to savings plans or the purchase of bonds;

(e) initiation fees, dues and assessments to a union that is the bargaining agent for the employee;

(f) voluntary employee purchases from the employer of any goods, services or merchandise; and

(g) deductions for purposes or categories of purposes that are specified pursuant to subsection (3).

(3) For the purposes of clause (2)(g), the Lieutenant Governor in Council may specify purposes and categories of purposes by regulation or by special order in a particular case.

(4) No employer shall require an employee to purchase special clothing that identifies the employer's establishment.

(5) An employer who requires an employee to wear a special article of clothing that identifies the employer's establishment shall provide that special article of clothing free of cost to the employee.

2013, c.S-15.1, s.2-36.

Statement of earnings required

2-37(1) An employer shall provide a statement of earnings to an employee:

(a) on every payday; and

(b) when making payments of wage adjustments.

(2) A statement of earnings required pursuant to subsection (1) must:

(a) clearly set out:

(i) the name of the employee;

(ii) the beginning and ending dates of the period for which the payment of wages is being made;

(iii) the number of hours of work for which payment is being made for each of wages, overtime and hours worked on a public holiday;

(iv) the rate or rates of wages;

(v) the amount paid for each of wages, overtime and public holiday pay and work on a public holiday, vacation pay and pay instead of notice;

(vi) the employment or category of employment for which payment of wages is being made;

(vii) the amount of total wages;

(viii) an itemized statement of any deductions from wages being made; and

(ix) the actual amount of the payment being made; and

(b) be in a form that:

(i) is separate from, or readily detachable from, any form of cheque or other type of voucher issued in the payment of wages; or

(ii) if an employee is provided with an electronic statement, permits the employee to print off a copy of the statement of earnings.

(3) Unless the contrary is established, wages and other amounts that are not included in a statement pursuant to subsection (2) are deemed not to have been paid.

2013, c.S-15.1, s.2-37.

Subdivision 9
Additional Obligations of Employer

Employer to keep record of wages, hours worked, etc.

2-38(1) No employer shall fail to keep:

(a) records showing the particulars of every unwritten contract dealing with wages or other monetary benefits to which any employee is entitled;

(b) a copy of every written contract or other document dealing with wages or other monetary benefits to which any employee is entitled; and

(c) records showing the following with respect to each employee:

(i) the full name, sex, date of birth and residential address of the employee;

(ii) the name or a brief description of the job or position of the employee;

(iii) the rate of wages of the employee expressed in terms of wages per hour, day, week, month or other period;

(iv) the total wages paid to the employee for each week or other pay period;

(v) the time when the employee's work begins and ends each day and the time when any meal breaks allowed to the employee each day begin and end;

(vi) the total number of hours worked by the employee each day and each week as well as the total number of hours each day and each week that the employee is required to be at the disposal of the employer;

(vii) every deduction made from the wages of the employee for any purpose whatever and the purpose for which each deduction was made;

(viii) the date of each payment of wages to the employee;

(ix) the date of commencement of the employee's employment and, if applicable, the date the employment ends;

(x) the date on which the employee becomes entitled to each vacation;

(xi) the dates on which each vacation period is taken by the employee;

(xii) the amount paid to the employee with respect to each vacation to which the employee is entitled and the date of payment;

(xiii) the amount paid to the employee with respect to each public holiday and the date of payment;

(xiv) if applicable, the amount paid to the employee on the ending of the employment and the date of payment;

(xv) any other prescribed matters or matters that the minister may require.

(2) Every employer shall provide the records mentioned in subsection (1) to an employment standards officer when requested by the officer.

(3) Every employer shall keep a register of every employee whose work is ordinarily performed at home setting out:

(a) the address where that work is performed; and

(b) the portion of the work performed by the employee that was performed at home.

(4) The records that an employer is required to keep pursuant to this section respecting an employee must cover the most recent five years of the employee's employment.

(5) If an employee's employment ends, the employer shall retain the records mentioned in subsection (4) for a period of two years after the date on which the employee's employment ended.

(6) An employee's employment is deemed not to have ended for the purposes of subsection (5) if the employee is employed again by the employer within six months after the date on which the employment of the employee ended.

(7) The records required by this section may be incorporated in any wage record that the employer is required to keep pursuant to any other Act.

2013, c.S-15.1, s.2-38.

Provision of benefits

2-39 If an employer provides a benefit to employees who work at least 30 hours per week or any other prescribed number of hours, the employer shall provide benefits in accordance with the regulations made pursuant to this Part to all prescribed categories of employees.

2013, c.S-15.1, s.2-39.

Protection of employees for illness or injury

2-40(1) Subject to subsections (2) to (4.1), except for just cause unrelated to injury or illness, no employer shall take discriminatory action against an employee because of absence:

(a) due to the illness or injury of the employee; or

(b) due to the illness or injury of a member of the employee's immediate family who is dependent on the employee.

(2) Subsection (1) only applies if:

(a) the employee has been in the employer's service for more than 13 consecutive weeks before the absence;

(b) the absence does not exceed:

(i) a total of 12 days in a calendar year, in the case of illness or injury that is not serious; or

(ii) 12 weeks in a period of 52 weeks, in the case of serious illness or injury; and

(c) the employee, if requested in writing by the employer, provides the employer with a certificate of a duly qualified medical practitioner certifying that the employee was incapable of working due to illness or injury or certifying the illness or injury of the member of the employee's immediate family, as the case may be.

(3) The protection afforded by subclause (2)(b)(i) does not apply if it can be demonstrated that the employee has a record of chronic absenteeism and there is no reasonable expectation of improved attendance.

(4) The period of absence permitted pursuant to subclause (2)(b)(ii) must be extended to 26 weeks in a period of 52 weeks if the employee is receiving compensation pursuant to *The Workers' Compensation Act, 1979*.

(4.1) If the absence due to the illness or injury of an employee is the result of a public health emergency, the employee is exempt from the requirements of clauses (2)(a) and (c).

(5) Nothing in this section limits or abrogates an employee's rights at common law or pursuant to *The Saskatchewan Human Rights Code, 2018*.

2013, c.S-15.1, s.2-40; 2018, c 35, s.2; 2020, c 14, s.4.

Employer must reassign employee or modify employee's duties

2-41 An employer shall modify an employee's duties or reassign the employee to other duties if:

(a) the employee becomes disabled and the disability would unreasonably interfere with the performance of the employee's duties; and

(b) it is reasonably practicable to do so.

2013, c.S-15.1, s.2-41.

Employer not to take discriminatory action

2-42(1) In this section, **"lawful authority"** means:

(a) any police or law enforcement agency with respect to an offence within its power to investigate;

(b) any person whose duties include the enforcement of this Act, another Act or an Act of the Parliament of Canada with respect to an offence within his or her power to investigate; or

(c) any person directly or indirectly responsible for supervising an employee.

(2) No employer shall take discriminatory action against an employee because the employee:

(a) has reported or proposed to report to a lawful authority any activity that is or is likely to result in an offence pursuant to an Act or an Act of the Parliament of Canada; or

(b) has testified or may be called on to testify in an investigation or proceeding pursuant to this Act, another Act or an Act of the Parliament of Canada.

(3) Subsection (2) does not apply if the actions of an employee are frivolous or vexatious.

2013, c.S-15.1, s.2-42.

Subdivision 10
General Rules re Employment Leave

Entitlement to apply for employment leave

2-43 An employee who has been in an employer's service for more than 13 consecutive weeks is entitled to an employment leave in accordance with this Subdivision and Subdivision 11.

2013, c.S-15.1, s.2-43.

Employer to grant employment leave

2-44 No employer shall fail to grant an employee an unpaid employment leave when required to do so by this Subdivision and Subdivision 11.

2013, c.S-15.1, s.2-44.

Human rights not affected

2-45 Nothing in this Subdivision or Subdivision 11 limits or abrogates an employee's rights at common law or pursuant to *The Saskatchewan Human Rights Code, 2018*.

2013, c.S-15.1, s.2-45; 2018, c 35, s.2.

Notice re employment leave

2-46(1) Subject to subsection (2) and section 2-49, an employee shall provide at least four weeks' written notice to his or her employer of:

(a) the day on which the employee intends to commence an employment leave; and

(b) the day on which the employee intends to return to work from the employment leave.

(2) The obligation to provide four weeks' written notice pursuant to subsection (1) does not apply:

(a) to any of the following employment leaves:

(i) bereavement leave;

(ii) compassionate care leave;

(iii) interpersonal violence and sexual violence leave;

(iv) critically ill child care leave;

(v) critically ill adult care leave;

(vi) crime-related child death or disappearance leave;

(vii) citizenship ceremony leave;

(viii) public health emergency leave;

(b) if the date of commencement of the employment leave or the date of return to work from the employment leave is not known and cannot be reasonably known by the employee;

(c) with respect to the notice required for the employee's return to work, if the employment leave was for 60 days or less; or

(d) if the prescribed circumstances apply.

(3) If an employee is not required to provide four weeks' written notice in accordance with subsection (2), the employee shall provide the employer with notice as far as possible in advance of the date the employee intends to commence the employment leave or of the date the employee intends to return to work, as the case may be.

2013, c.S-15.1, s.2-46; 2017, c 31, s.3; 2019, c 20, s.3; 2020, c 14, s.5.

Medical evidence

2-47(1) In this section, **"nurse practitioner"** means a nurse who is entitled pursuant to *The Registered Nurses Act, 1988* to practise in the nurse practitioner category.

(2) If an employment leave involves a medical issue and the employer so requires, the employee shall provide written evidence in the form of a certificate from a duly qualified medical practitioner or nurse practitioner as to the reason for the leave or the extension of the leave.

(3) If an employment leave requires the verification of other circumstances and if the employer so requires, the employee shall provide written evidence to verify those circumstances, in the prescribed manner.

2019, c20, s.4.

Length of service, rights of recall, benefits and reinstatement

2-48(1) An employee continues to accrue seniority, service for the purposes of subclause 2-23(a)(ii) or (b)(ii) and rights of recall while on an employment leave or a combination of employment leaves for the length of the employment leave or combination of employment leaves to a maximum of 78 weeks.

(2) Subject to subsection (3) and to the provisions of a prescribed benefit plan, an employee continues to be entitled to participate in the prescribed benefit plan while on an employment leave or combination of employment leaves, for the length of the leave or leaves, if the employee pays the contributions required by the prescribed benefit plan.

(3) The requirement in subsection (2) for the employee to pay the contributions required by the prescribed benefit plan does not apply to a bereavement leave or a citizenship ceremony leave.

(4) At the expiration of an employment leave and subject to subsection (5), an employer shall reinstate an employee to the same job the employee held before going on employment leave, without any loss of accrued seniority or benefits or reduction in rate of pay.

(5) An employer may reinstate an employee, without any loss of accrued seniority or benefits or reduction in rate of pay, to a job comparable to that held by the employee before going on employment leave:

(a) if the employment leave was for more than 60 days; or

(b) if prescribed circumstances exist.

2013, c.S-15.1, s.2-48; 2019, c20, s.5.

Subdivision 11
Employment Leave

Maternity leave

2-49(1) Subject to subsections (2) and (7), an employee who is pregnant is entitled to a maternity leave of 19 weeks commencing at any time during the period of 13 weeks preceding the estimated date of birth, and no later than the date of birth.

(2) If the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks' leave after the actual date of birth.

(3) An employee may extend the leave for a further period of six weeks if the employee is unable for medical reasons to return to work after the expiration of the maternity leave.

(4) An employer shall modify an employee's duties or reassign the employee to other duties, without a decrease in wages or benefits, to accommodate a pregnancy if:

(a) the employee's duties or pregnancy would be unreasonably interfered with; and

(b) it is reasonably practicable to do so.

(5) An employer may require an employee to commence maternity leave not more than 13 weeks before the estimated date of birth if:

(a) the pregnancy of the employee would unreasonably interfere with the performance of the employee's duties; and

(b) no opportunity exists to modify the employee's duties or to reassign the employee to other duties.

(6) An employee whose pregnancy terminates on a date not more than 13 weeks before the estimated date of birth due to a miscarriage or a stillbirth may take a leave pursuant to this section.

(7) An employer shall grant a maternity leave in accordance with subsection (8) to an employee who:

(a) has failed to comply with clause 2-46(1)(a) but is otherwise entitled to maternity leave; and

(b) has not provided her employer with a certificate of a duly qualified medical practitioner certifying that there are bona fide medical reasons that require the employee to cease work immediately.

(8) Subject to subsection (2), the maternity leave to which an employee is entitled pursuant to subsection (7) is to consist of a period not exceeding 15 weeks commencing at any time during the period of nine weeks preceding the estimated date of birth.

2013, c.S-15.1, s.2-49; 2019, c20, s.6.

Adoption leave

2-50 An employee is entitled to an adoption leave of 19 weeks commencing on the date on which the child comes into the employee's care or becomes available for adoption if the employee is to be the primary caregiver of the adopted child during the period of the leave.

2013, c.S-15.1, s.2-50; 2019, c20, s.7.

Parental leave

2-51(1) An employee who is a parent of a newborn child or a newly adopted child is entitled to a parental leave of not more than:

(a) 59 weeks, if the employee has taken a maternity leave or an adoption leave; or

(b) 71 weeks, in other cases.

(2) A parental leave must be taken during the period of:

(a) 13 weeks preceding the estimated date of birth or the estimated date on which the child is to come into the employee's care, as the case may be; and

(b) either:

(i) if one employee is taking leave pursuant to this section, 78 weeks following the actual date of birth or the actual date on which the child comes into the employee's care; or

(ii) if two employees are taking leave pursuant to this section with respect to the same child, 86 weeks following the actual date of birth or the actual date on which the child comes into the employee's care.

(3) If clause (1)(a) applies, the employee shall take the parental leave consecutive to the maternity leave or adoption leave, as the case may be.

2013, c.S-15.1, s.2-51; 2019, c 20, s.8; 2020, c 12, s.3.

Organ donation leave

2-52(1) In this section, **"organ donation"** means a surgical procedure that involves the removal of an organ or tissue from the employee for the purpose of its being transplanted into another individual.

(2) Subject to subsection (3), an employee is entitled to a leave for organ donation for the period, as certified by a duly qualified medical practitioner, required for the organ donation and recovery from the procedure.

(3) The maximum leave for an organ donation and recovery is 26 weeks.

2013, c.S-15.1, s.2-52.

Reserve force service leave

2-53(1) In this section:

(a) **"reserve force"** means the reserve force as defined in the *National Defence Act* (Canada);

(b) **"service"** means training with the reserve force and active service with the reserve force, including regular and emergency deployment.

(2) Subject to subsection (3), an employee is entitled to a reasonable period of leave for the employee's period of service with the reserve force.

(3) The leave pursuant to this section must meet the prescribed requirements.

2013, c.S-15.1, s.2-53.

Nomination, candidate and public office leave

2-54(1) In this section, **"band council"** means the council of a band within the meaning of the *Indian Act* (Canada).

(2) An employee is entitled to a leave:

(a) to seek nomination as a candidate for a municipal, provincial or federal election or an election for a board of education, the Conseil scolaire fransaskois or a band council, for a reasonable period;

(b) to be a candidate for a municipal, provincial or federal election or an election for a board of education, the Conseil scolaire fransaskois or a band council, for a reasonable period; or

(c) if the employee has been elected to a municipal, provincial or federal government or a board of education, the Conseil scolaire fransaskois or a band council, for the period during the employee's term of office that may be necessary.

(3) Subsection 2-48(2) applies to an employee on a leave pursuant to subsection (2) for a maximum of 52 weeks.

2020, c 12, s.3.

Bereavement and compassionate care leave

2-55(1) An employee is entitled to a bereavement leave of five days in the case of the death of a member of the employee's immediate family.

(2) The leave mentioned in subsection (1) must be taken within the period commencing one week before and ending one week after the funeral relating to the death with respect to which the leave is granted.

2013, c.S-15.1, s.2-55.

Compassionate care leave

2-56(1) In this section, **"member of the employee's family"** means a member of a class of persons prescribed pursuant to the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to a compassionate care leave of up to 28 weeks to provide care or support to a member of the employee's family who has a serious medical condition with a significant risk of death within 26 weeks from the date the leave commences.

(3) In a period of 52 weeks, an employee is not entitled to take more than one compassionate care leave pursuant to subsection (2).

(4) An employee's compassionate care leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the family member;

(b) on the termination of the 28-week period mentioned in subsection (2); or

(c) on the death of the employee's family member.

2016 c 17 s 3.

Interpersonal violence and sexual violence leave

2-56.1(1) In this section:

(a) **"interpersonal violence"** means interpersonal violence as defined in *The Victims of Interpersonal Violence Act*;

(b) **"victim"** means:

(i) an employee;

(ii) a child of an employee;

(iii) a person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together at any time.

(2) An employee is entitled to a leave of up to 10 days in a period of 52 weeks, which the employee may choose to take intermittently or in one continuous period, if a victim is subjected:

(a) to interpersonal violence by:

(i) a person who has been or who is in a family relationship, spousal relationship, intimate relationship or dating relationship with the employee, regardless of whether they have lived together at any time;

(ii) a person who is the parent of one or more children with the employee, regardless of their marital status or whether they have lived together at any time;

(iii) a person who is in an ongoing caregiving relationship with the employee, regardless of whether they have lived together at any time; or

(iv) any other prescribed person; or

(b) to sexual violence.

(3) Leave pursuant to this section may be taken for one or more of the following purposes:

(a) to seek medical attention for a victim with respect to a physical or psychological injury or disability caused by interpersonal violence or sexual violence;

(b) to obtain services from a victim services organization;

(c) to obtain psychological or other professional counselling;

(d) to relocate temporarily or permanently;

(e) to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the interpersonal violence or sexual violence;

(f) any other prescribed purpose.

(4) For the purposes of calculating when an employee's period of leave has been fully used in accordance with this section, only the periods during which the employee is on leave are to be used in making the calculation and not the periods during which the employee has returned to work.

(5) An employer must:

(a) maintain confidentiality respecting all matters that come to the employer's knowledge in relation to leave taken by an employee pursuant to this section; and

(b) not disclose information relating to the leave to any person except:

(i) employees or agents of the employer who require the information to carry out their duties; or

(ii) with the consent of the employee to whom the leave relates.

(6) A person to whom information is disclosed pursuant to clause (5)(b) must not disclose it to any other person unless it is to be used for the purpose for which it was originally disclosed or for a different purpose authorized by that clause.

(7) If the employer so requires, the employee shall provide written evidence issued by one of the persons identified in subsection 12.4(4) of *The Victims of Interpersonal Violence Act* to verify the circumstances of the leave.

(8) Subject to subsection (2), an employee is entitled pursuant to this section to:

(a) paid leave for a maximum of 5 days in each period of 52 weeks at a rate equal to:

(i) the wage the employee would have been paid had the employee worked regular hours on the first day of the leave; or

(ii) 5% of the employee's total wages, not including overtime, in the four weeks preceding the first day of the leave if:

(A) the number of hours worked by the employee in a normal workday varies from day to day; or

(B) the employee's wage for regular hours of work varies from day to day; and

(b) unpaid leave for a maximum of a further 5 days in each period of 52 weeks.

2019, c20, s.9; 2019, c21, s.2.

Critically ill family care leave

2-57(1) In this section and in section 2-59.1:

(a) **"critically ill adult"** means a critically ill adult within the meaning of the regulations made pursuant to the *Employment Insurance Act* (Canada);

(b) **"critically ill child"** means a critically ill child within the meaning of the regulations made pursuant to the *Employment Insurance Act* (Canada);

(c) **"family member"** means a member of a class of persons prescribed pursuant to the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to:

(a) critically ill child care leave of up to 37 weeks to provide care and support to the employee's critically ill child family member; and

(b) critically ill adult care leave of up to 17 weeks to provide care and support to the employee's critically ill adult family member.

(3) An employee's leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the child family member or adult family member;

(b) 52 weeks from the date the medical certificate is issued;

(c) on the termination of the 37-week period or 17-week period, as the case may be, mentioned in subsection (2); or

(d) on the death of the employee's child family member or adult family member.

2019, c 20, s.9; 2020, c 14, s.6.

Crime-related child death or disappearance leave

2-58(1) In this section:

(a) **"child"** means a person who is under 18 years of age;

(b) **"crime"** means an offence pursuant to the *Criminal Code*, other than an offence prescribed by the regulations made pursuant to paragraph 209.4(f) of the *Canada Labour Code*.

(2) An employee is entitled to crime-related child death or disappearance leave of up to 104 weeks if a child of the employee dies and it is probable, considering the circumstances, that the child died as a result of a crime.

(3) An employee is entitled to a leave pursuant to this section of up to 52 weeks if a child of the employee disappears and it is probable, considering the circumstances, that the child's disappearance is a result of a crime.

(4) An employee is not entitled to a leave pursuant to this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.

(5) If an employee takes a leave pursuant to this section and the circumstances that made it probable that the child died or disappeared as a result of a crime change and it no longer seems probable that the child died or disappeared as a result of a crime, the employee's entitlement to the leave ends on the day on which it no longer seems probable.

(6) If an employee takes a leave pursuant to this section and the employee is subsequently charged with the crime, the employee's entitlement to the leave ends on the day on which the employee is charged.

(7) Subject to subsection (9), if an employee takes a leave pursuant to subsection (3) and the child is found within the 52-week period that begins in the week the child disappears, the employee is entitled:

(a) to remain on leave for 14 days after the day the child is found, if the child is found alive; or

(b) to take 104 weeks of leave from the day the child disappeared, if the child is found dead, whether or not the employee is still on leave when the child is found.

(8) An employee may take a leave pursuant to subsection (2) only during the 104-week period that begins in the week the child dies.

(9) Subject to subsection (7), an employee may take a leave pursuant to subsection (3) only during the 52-week period that begins in the week the child disappears.

2013, c.S-15.1, s.2-58.

Citizenship ceremony leave

2-59 An employee is entitled to a leave of one day to attend a citizenship ceremony to receive a certificate of citizenship.

2013, c.S-15.1, s.2-59.

Public Health Emergency leave

2-59.1(1) In this section, **'chief medical health officer'** means the person designated as chief medical health officer pursuant to *The Public Health Act, 1994*.

(2) This section applies if either:

(a) a public health emergency has been determined by the World Health Organization and the chief medical health officer has issued an order declaring:

(i) that the public health emergency applies to Saskatchewan; and

(ii) that individuals in Saskatchewan must take measures to prevent or reduce the spread of disease, including isolating themselves from other individuals; or

(b) the chief medical health officer issues an order declaring that, in the opinion of the chief medical health officer, a disease present in Saskatchewan is sufficiently harmful to the public health that individuals in Saskatchewan must take measures to prevent or reduce the spread of disease, including isolating themselves from other individuals.

(3) If the chief medical health officer determines that the measures set out in an order issued pursuant to subsection (2) are no longer necessary, the chief medical health officer may issue an order terminating the order made pursuant to subsection (2).

(4) If the chief medical health officer has issued an order pursuant to subsection (2) or (3):

(a) the chief medical health officer shall immediately provide a copy of the order to the minister; and

(b) the minister shall cause the order:

(i) to be printed in the Gazette; and

(ii) to be published in any manner the minister considers necessary to bring the order to the attention of the public, including publishing it on the ministry's website.

(5) An employee is entitled to a public health emergency leave for the period during which an order of the chief medical health officer issued pursuant to subsection (2) is in force if:

(a) any of the following have directed employees to isolate themselves to prevent or reduce the spread of the disease that is the subject of the order:

(i) the employer of the employees;

(ii) a duly qualified medical practitioner;

(iii) the Government of Saskatchewan;

(iv) the chief medical health officer; or

(b) the employee is required to provide to care and support to the employee's child family member who is affected by a direction or order of the Government of Saskatchewan or an order of the chief medical health officer.

(6) Employees are entitled to be paid their regular wages and are entitled to their regular benefits during the period mentioned in subsection (5) if:

(a) they are authorized by their employer to work at home during that period;

(b) they comply with the measures set out in the order of the chief medical health officer; and

(c) they comply with any additional requirements set out in an order made pursuant to subsection (7).

(7) Notwithstanding any other provision of this Part or the regulations or any other Act or law, the Lieutenant Governor in Council may make orders for the purposes of this section, to continue through all or any part of the period mentioned in subsection (5):

(a) suspending the application of any provision of this Part or the regulations that deals with matters regulated by this section;

(b) amending, suspending or varying the application of any provision of this Part or the regulations to employees and employers to whom this section applies;

(c) setting out requirements for the purposes of subsection (6);

(d) respecting any additional matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the purpose of this section, the protection of employees or the prevention or reduction of disease.

(8) The minister shall cause each order made pursuant to subsection (7):

(a) to be printed in the Gazette; and

(b) to be published in any manner the minister considers necessary to bring the order to the attention of the public including publishing it on the ministry's website.

(9) A failure by the minister to give the notice required by subsection (4) or (8) does not, by itself, invalidate an order made pursuant to that subsection.

(10) Sections 2-43 and 2-47 do not apply to an employee covered by this section.

2020, c 14, s.7.

Subdivision 12
Layoff and Termination

Notice required

2-60(1) Except for just cause, no employer shall lay off or terminate the employment of an employee who has been in the employer's service for more than 13 consecutive weeks without giving that employee written notice for a period that is not less than the period set out in the following Table:

Table

Employee's Period of Employment	**Minimum Period of Written Notice**
more than 13 consecutive weeks but one year or less	one week
more than one year but three years or less	two weeks
more than three years but five years or less	four weeks
more than five years but 10 years or less	six weeks
more than 10 years	eight weeks

(2) In subsection (1), **"period of employment"** means any period of employment that is not interrupted by more than 14 consecutive days.

(3) For the purposes of subsection (2), being on vacation, an employment leave or a leave granted by an employer is not considered an interruption in employment.

(4) After giving notice of layoff or termination to an employee of the length required pursuant to subsection (1), the employer shall not require an employee to take vacation leave as part of the notice period required pursuant to subsection (1).

2013, c.S-15.1, s.2-60.

Payments in case of layoffs or terminations

2-61(1) If an employer lays off or terminates the employment of an employee, the employer shall pay to the employee, with respect to the period of the notice required pursuant to section 2-60:

(a) if the employer is not bound by a collective agreement that applies to the employee, the greater of:

(i) the sum earned by the employee during that period of notice; and

(ii) a sum equivalent to the employee's normal wages for that period; or

(b) if the employer is bound by a collective agreement that applies to the employee, the entitlements provided for in the collective agreement.

(2) For the purposes of subsection (1), if the wages of an employee, not including overtime pay, vary from week to week, the employee's normal wages for one week are deemed to be the equivalent of the employee's average weekly wage, not including overtime pay, for the 13 weeks the employee worked preceding:

(a) the date on which the notice of layoff or termination was given; or

(b) if no notice of the layoff or termination was given:

(i) the date on which the employee was laid off or terminated; or

(ii) a date determined in the prescribed manner.

(3) If an employer lays off or terminates the employment of an employee at a remote site, the employer shall provide transportation without cost for the employee to the nearest point where regularly scheduled transportation services are available.

2013, c.S-15.1, s.2-61.

Notice of group termination

2-62(1) In addition to the requirements of section 2-60 but subject to subsection (3), an employer who intends to terminate the employment of 10 or more employees in a workplace within any four-week period shall give written notice of that intention, in accordance with subsection (2), to each of the following:

(a) the minister;

(b) each employee whose employment will be terminated;

(c) if applicable, a union that is the bargaining agent of any employees whose employment will be terminated.

(2) The written notice required pursuant to subsection (1):

(a) must specify:

(i) the number of employees whose employment will be terminated;

(ii) the effective date or dates of their terminations; and

(iii) the reasons for the terminations; and

(b) must be given within the prescribed period.

(3) The notice required pursuant to subsection (1) may be given concurrently with the notice required pursuant to section 2-60.

2013, c.S-15.1, s.2-62.

Employee notice re termination

2-63(1) Subject to subsection (2), an employee who has been employed by the employer for at least 13 consecutive weeks must give the employer written notice of at least two weeks stating the day on which the employee is ending his or her employment.

(2) Subsection (1) does not apply if:

(a) there is an established custom or practice in any industry respecting the termination of employment that is contrary in whole or in part to subsection (1);

(b) an employee terminates employment because the employee's personal health or safety would be in danger if the employee continued to be employed by the employer;

(c) the contract of employment is or has become impossible for the employee to perform by reason of unforeseeable or unpreventable causes beyond the control of the employee;

(d) the employee is temporarily laid off;

(e) the employee is laid off after refusing an offer by the employer of reasonable alternative work;

(f) the employee is employed under an agreement by which the employee may elect either to work or not to work for a temporary period when requested to work by the employer; or

(g) the employee terminates the employment because of a reduction in wage rate, overtime rate, vacation pay, public holiday pay or termination pay.

2013, c.S-15.1, s.2-63.

DIVISION 3
Priority of Wages

Interpretation of Division

2-64 In this Division:

(a) **"purchase-money security interest"** means:

(i) a security interest that is taken or reserved by a seller of personal property to secure payment of all or part of its sale price; or

(ii) a security interest that is taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to the personal property, to the extent that the value is applied to acquire those rights;

(b) **"security interest"** means an interest in property that secures payment or performance of an obligation.

2013, c.S-15.1, s.2-64.

Wages accruing or due to be held in trust

2-65(1) Notwithstanding any other Act, an employer of an employee shall hold all of the employee's total wages due or accruing due to the employee in trust for the employee for the payment of those wages in the manner and at the time provided pursuant to this Part and the regulations made pursuant to this Part.

(2) If total wages are not held in trust as required pursuant to subsection (1), the employer is deemed to hold an amount equal to the amount of the total wages in trust for the employee.

2013, c.S-15.1, s.2-65.

Security interest on wages accruing or due

2-66(1) Wages due or accruing due to an employee are deemed to be secured by a security interest on the property and assets of the employee's employer, whether or not that property or those assets are subject to other security interests.

(2) Subject to subsection (6), the security interest for wages mentioned in subsection (1) is payable in priority to any other claim or right in the property or assets, including any claim or right of the Crown, without registration or other perfection of the deemed security interest for wages.

(3) Without limiting the generality of subsection (2), the priority mentioned in that subsection extends over every security interest, lien, charge, enforcement charge, judgment, encumbrance, mortgage, assignment, including an assignment of book debts, debenture or other security, whether perfected within the meaning of *The Personal Property Security Act, 1993* or not, made or given, accepted or issued before or after the wages accrued due.

(4) Notwithstanding subsection (2), the charge mentioned in that subsection does not take priority over the following:

(a) a purchase-money security interest that is:

(i) taken before the wages' accruing due; and

(ii) registered in accordance with the requirements of *The Personal Property Security Act, 1993*;

(b) a mortgage of real property granted by an employer before the wages' accruing due;

(c) the interest of a seller pursuant to an agreement for sale of real property or pursuant to a mortgage back arrangement or the interest of a person who gives value for the purpose of enabling an employer to acquire rights in real property, to the extent that the value is applied to acquire those rights.

(5) Without limiting the application of subsections (1) to (3), a security interest for wages may be registered in the Personal Property Registry continued pursuant to *The Personal Property Security Act, 1993*.

(6) The payment priority set out in subsection (2) is subject to section 15.1 of *The Enforcement of Maintenance Orders Act, 1997*.

2013, c.S-15.1, s.2-66.

Employees wages paid if assets of employer are insufficient

2-67(1) Subject to subsection (2), if an employer has failed or neglected to hold wages in trust as provided by section 2-65 and the assets of the employer are not sufficient to pay in full the trust moneys owing to each of the employees, the employees shall share amongst themselves the assets of the employer on a *pro rata* basis.

(2) A corporate director who is an employee of the corporation is not entitled to the benefit provided to employees by this section or sections 2-65 and 2-66 until the claims for wages of the other employees of the corporation have been satisfied.

2013, c.S-15.1, s.2-67.

Corporate directors liable for wages

2-68(1) Subject to subsection (2), notwithstanding any other provision of this Act or any other Act, the corporate directors of an employer are jointly and severally liable to an employee for all wages due and accruing due to the employee but not paid while they are corporate directors.

(2) The maximum amount of a corporate director's liability pursuant to subsection (1) to an employee is six months' wages of the employee.

(3) Subject to subsections (4) and (5), a corporate director's liability pursuant to this section is payable in priority to any other unsecured claim or right in the corporate director's property or assets, including any claim or right of the Crown.

(4) The payment priority set out in subsection (3) is subject to section 15.1 of *The Enforcement of Maintenance Orders Act, 1997*.

(5) A corporate director who is an employee of the corporation is not entitled to the benefit provided to employees by subsection (3).

2013, c.S-15.1, s.2-68.

Responsibility of certain employers and contractors re wages of subcontractor's employees

2-69(1) If an employer or a contractor contracts with any other person for the performance of all or part of the employer's or contractor's work, the employer or contractor shall provide by the contract that the employees of that other person must be paid the wages to which they are entitled according to law.

(2) If the other person mentioned in subsection (1) fails to pay the wages as mentioned in that subsection, the employer or contractor, as the case may be, is liable to the employees to the extent of the work performed under the contract as if the employees were employed by the employer or contractor.

2013, c.S-15.1, s.2-69.

DIVISION 4
Demand on Third Party and Moneys Owing to Crown

Demand

2-70(1) In this Division and in Division 5:

(a) **"employer"** includes a corporate director of an employer who is liable for wages pursuant to section 2-68;

(b) **"third party"** means a person who has been served with a demand;

(c) **"wages"** includes interest calculated in accordance with the regulations made pursuant to this Part.

(2) Subject to the regulations made pursuant to this Part, the director of employment standards may serve a demand on a person if the director has knowledge or reasonable grounds to believe or suspects that:

(a) an employer has failed or is likely to fail to pay wages to an employee as required by this Part; and

(b) the person on whom the demand is served is or is about to become indebted to or liable to pay money to the employer.

(3) Subject to subsection (4), a demand must require the payment of the lesser of:

(a) the amount owed by a third party to the employer; and

(b) the amount specified in the demand.

(4) The amount required by a demand to be paid to the director of employment standards must not exceed the director's estimate of the total amount of all wage claims against the employer.

(5) If a demand is served on a third party in relation to a debt or account that is owned by the employer and one or more other persons as joint or joint and several owners, each co-owner is deemed to own an equal and separate share in the debt or account.

(6) Service of a demand on a third party:

(a) binds, to the extent of the amount set out in the demand, any debt or account due when the demand is served or accruing due while the demand is in force:

(i) to the employer from the third party; or

(ii) if subsection (5) applies, to the employer from the third party, to the extent outlined in subsection (5); and

(b) requires the third party to inform the director of employment standards within the period or periods set out in the demand whether any money is owing to the employer or will become owing to the employer during the period of the demand.

(7) Subject to subsection (8), if a debt or account mentioned in subclause (6)(a)(ii) is attached by the demand:

(a) the third party shall promptly inform the director of employment standards of the following:

(i) that the debt or account is co-owned by the employer and one or more other persons as joint or joint and several owners;

(ii) the names of and contact information for all persons who are co-owners of the debt or account; and

(b) the third party shall promptly inform all persons having co-ownership of the debt or account of the demand.

(8) The director of employment standards, the employer or any person identified by the third party as a co-owner may, within 15 business days after the seizure of the debt or account, apply to the Court of King's Bench for an order of the court:

(a) determining one or both of the following:

(i) that the portion of the debt or account attributable to the employer or to the person identified by the third party as a co-owner is greater or less than the amount determined in accordance with subsection (5);

(ii) that the employer or any person identified by the third party as a co-owner is not a co-owner of the debt or account; and

(b) determining any other matter and doing any other thing that the court considers necessary or appropriate.

(9) The onus is on the person who brings the application pursuant to subsection (8) to establish:

(a) that the share in the debt or account is other than that set out in subsection (5); or

(b) that the employer or other person is not a co-owner of the debt or account.

(10) The director of employment standards may serve a demand pursuant to this section notwithstanding that:

(a) the director has not issued a wage assessment against the employer; or

(b) a wage assessment has been issued and:

(i) the appeal period has not expired; or

(ii) the person against whom the wage assessment was issued has commenced an appeal and:

(A) the appeal is still pending; or

(B) the appeal has been dismissed in whole or in part.

(11) Unless it is revoked by the director of employment standards, a demand remains in force for:

(a) 90 days after the day on which the demand is served; or

(b) any longer period that the director may specify in the demand.

(12) The director of employment standards may serve a further demand on the same third party.

(13) Any money paid to the director of employment standards by the third party extinguishes the liability of the third party:

(a) to the employer, to the extent of the payment and the employer's interest; and

(b) if the amount paid exceeds the interest of the employer, to a co-owner to the extent of the excess payment and the co-owner's interest.

(14) If a third party is served with a demand and subsequently discharges any liability to the employer or fails to comply with the demand, the third party is liable to the director of employment standards to the extent of the lesser of:

(a) the amount of liability discharged to the employer; and

(b) the amount specified in the demand.

(15) The amount mentioned in clause (14)(a) or (b) may be recovered from the third party by the director of employment standards by:

(a) filing a certificate in accordance with section 2-77, and that section applies, with any necessary modification, to that certificate; or

(b) issuing a demand in accordance with this section, and this section applies, with any necessary modification, to that demand.

2013, c.S-15.1, s.2-70; 2024, c4, s.32.

Demand re moneys owing by the Crown and public agencies

2-71(1) In this section, **"Crown"** includes a ministry, department, agency, board and other body of the Government of Saskatchewan and a Crown corporation.

(2) A demand pursuant to section 2-70 may be served on the Crown.

(3) Subsections 2-70(14) and (15) do not apply to the Crown.

(4) For the purposes of applying section 2-70 to the Crown, only the following amounts owed by the Crown are subject to seizure:

(a) subject to subsection (5), amounts due to a person for commercial goods or services acquired by the Crown in the ordinary course of business;

(b) amounts due to a person pursuant to *The Saskatchewan Medical Care Insurance Act*;

(c) amounts due to a person as remuneration for employment.

(5) Without limiting the generality of subsection (4), the following amounts are not subject to seizure:

(a) amounts due to any person pursuant to a funding agreement for the delivery of programs funded by the Crown;

(b) payments made pursuant to *The Saskatchewan Assistance Act*;

(c) grants by the Crown made pursuant to any Act;

(d) amounts due by the Crown to a municipality.

2013, c.S-15.1, s.2-71.

How moneys received by the director are to be handled

2-72(1) If the director of employment standards receives moneys pursuant to a demand that is served after a wage assessment is issued, the director shall:

(a) if the employer and the employees agree on the amount of the unpaid wages owing to the employees, pay to the employees the amount agreed on;

(b) if the employer does not appeal the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, after the expiration of the appeal period; or

(c) if the employer appeals the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, on the final determination of the appeal.

(2) Subject to subsection (3), if the director of employment standards issues a demand before issuing a wage assessment against the employer, the director shall, promptly after receiving moneys pursuant to the demand:

(a) if the employer and the employees agree on the amount of the unpaid wages owing to the employees, pay to the employees the amount agreed on; and

(b) if the employer and the employees do not agree on the amount of the unpaid wages owing to the employees, issue a wage assessment against the employer and:

(i) if the employer does not appeal the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, after the expiration of the appeal period; or

(ii) if the employer appeals the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, on the final determination of the appeal.

(3) Subsection (2) does not apply to a demand issued in accordance with clause 2-70(15)(b) or subsection 2-92(4).

2013, c.S-15.1, s.2-72.

Dispute of liability of person who received demand

2-73(1) If a third party who receives a demand issued in accordance with subsection 2-70(2) disputes his or her liability to an employer, the third party may apply to a judge of the Court of King's Bench to set aside the demand.

(2) On an application pursuant to subsection (1), the Court of King's Bench may determine the following with respect to the third party who received the demand:

(a) whether the person is under a legal obligation to honour the demand;

(b) whether the person is entitled to set off a claim or obligation against the money or liability seized;

(c) the amount the person is liable to pay in response to the demand and the time within which payment must be made.

2013, c.S-15.1, s.2-73; 2024, c4, s.32.

DIVISION 5
Wage Assessments, Appeals, Certificates, Collections

Wage assessments

2-74(1) In this Division, **"adjudicator"** means an adjudicator selected pursuant to subsection 4-3(3).

(2) If the director of employment standards has knowledge or has reasonable grounds to believe or suspects that an employer has failed or is likely to fail to pay wages as required pursuant to this Part, the director may issue a wage assessment against either or both of the following:

(a) the employer;

(b) subject to subsection (3), a corporate director.

(3) The director of employment standards may only issue a wage assessment against a corporate director if the director has knowledge or has reasonable grounds to believe or suspects that the corporate director is liable for wages in accordance with section 2-68.

(4) **Repealed.** 2020, c 12, s.5.

(5) **Repealed.** 2020, c 12, s.5.

(6) If the director of employment standards has issued a wage assessment pursuant to subsection (2), the director shall cause a copy of the wage assessment to be served on:

(a) the employer or corporate director named in the wage assessment; and

(b) each employee who is affected by the wage assessment.

(7) A wage assessment must:

(a) indicate the amount claimed against the employer or corporate director;

(b) direct the employer or corporate director to, within 15 business days after the date of service of the wage assessment:

(i) pay the amount claimed; or

(ii) commence an appeal pursuant to section 2-75; and

(c) in the case of a wage assessment issued after money has been received from a third party pursuant to a demand issued pursuant to Division 4, set out the amount paid to the director of employment standards by the third party.

(8) The director of employment standards may, at any time, amend or revoke a wage assessment.

2013, c.S-15.1, s.2-74; 2016 c 17 s 4; 2020, c 12, s.5.

Commencement of appeal to adjudicator

2-75(1) Any of the following may appeal a wage assessment:

(a) an employer or corporate director who disputes liability or the amount set out in the wage assessment;

(b) an employee who disputes the amount set out in the wage assessment.

(2) An appeal pursuant to this section must be commenced by filing a written notice of appeal with the director of employment standards within 15 business days after the date of service of a wage assessment.

(3) The written notice of appeal filed pursuant to subsection (2) must:

(a) set out the grounds of the appeal; and

(b) set out the relief requested.

(4) If the appellant is an employer or a corporate director, the employer or corporate director shall, as a condition of being eligible to appeal the wage assessment, deposit with the director of employment standards the amount set out in the wage assessment or any other prescribed amount.

(5) The amount mentioned in subsection (4) must be deposited before the expiry of the period during which an appeal may be commenced.

(6) Subsections (4) and (5) do not apply if moneys that meet the amount of the wage assessment or the prescribed amount have been paid to the director of employment standards pursuant to a demand mentioned in section 2-70.

(7) An appeal filed pursuant to subsection (2) is to be heard by an adjudicator in accordance with Part IV.

(8) On receipt of the notice of appeal and deposit required pursuant to subsection (4), the director of employment standards shall forward to the adjudicator:

(a) a copy of the wage assessment; and

(b) a copy of the written notice of appeal.

(9) The copy of the wage assessment provided to the adjudicator in accordance with subsection (8) is proof, in the absence of evidence to the contrary, that the amount stated in the wage assessment is due and owing, without proof of the signature or official position of the person appearing to have signed the wage assessment.

(10) On the final determination of an appeal, the amount deposited pursuant to subsection (4):

(a) must be returned if the employer or corporate director is found not to be liable for the wages; or

(b) must be applied to the wage claims of the employees if the determination is in favour of the employees in whole or in part and, if there is any part of the amount remaining after being applied to those wage claims, the remaining amount must be returned to the employer or corporate director.

2013, c.S-15.1, s.2-75.

Hearings for certain claims

2-76(1) In this section, **"proceeding"** includes a proceeding authorized by another Act, a civil proceeding or a grievance under a collective agreement.

(2) This section applies to a complaint by an employee that an employer has:

(a) failed to comply with the obligation to pay equal pay in accordance with section 2-21; or

(b) acted contrary to section 2-42.

(3) On receipt of a complaint pursuant to subsection (2), the director of employment standards may assign an employment standards officer to investigate the complaint.

(4) If the employment standards officer assigned pursuant to subsection (3) advises the director of employment standards that there is merit to the complaint, the director may:

(a) attempt to resolve the complaint; or

(b) refer the complaint to an adjudicator to be heard in accordance with Part IV.

(5) Notwithstanding subsection (3), the director of employment standards may refuse to investigate or deal with a complaint if the director is of the opinion that, having regard to all the circumstances of the complaint, a hearing of the complaint is not warranted.

(6) The director of employment standards may, at any time after a complaint is made, defer further action if another proceeding, in the opinion of the director, is more appropriate having regard to the nature of the allegations and the remedies available in the other proceeding.

(7) Notwithstanding any other provision of this Part or Part IV, there is no appeal of a decision of the director of employment standards taken pursuant to subsection (5) or (6).

2013, c.S-15.1, s.2-76.

Director's certificate

2-77(1) Subject to subsection (2), the director of employment standards may issue a certificate setting out the amount of wages owed to employees if:

(a) a period of 15 business days has elapsed after the date of service of a wage assessment and no notice of appeal has been served on the director in accordance with section 2-75; or

(b) the adjudicator, the board or the Court of Appeal has upheld all or a portion of the wage assessment.

(2) The amount of wages owing set out in a certificate issued pursuant to subsection (1) must be the amount that is:

(a) set out in the wage assessment or is the portion of that amount that remains to be paid to the employees;

(b) acknowledged in writing as owing by the employer or corporate director; or

(c) awarded by an adjudicator, the board or the Court of Appeal.

(3) The director of employment standards may issue a certificate setting out the amount of a third party's liability to the director pursuant to subsection 2-70(14).

2013, c.S-15.1, s.2-77.

Filing certificate in Court of King's Bench

2-78(1) A certificate issued pursuant to section 2-77 may be filed with a local registrar of the Court of King's Bench.

(2) A certificate filed pursuant to subsection (1) has the same force and effect as if it were a judgment obtained in the Court of King's Bench for the recovery of a debt.

2013, c.S-15.1, s.2-78; 2024, c4, s.32.

Enforcement of judgment

2-79 The director of employment standards may take the actions the director considers appropriate to enforce a judgment against an employer, corporate director or third party or to collect moneys owing to the Crown pursuant to this Part.

2013, c.S-15.1, s.2-79.

DIVISION 6
General

Subdivision 1
Administration

Director of employment standards

2-80(1) The minister shall appoint an employee of the ministry as director of employment standards.

(2) The director of employment standards may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Act or any other Act.

(3) The director of employment standards may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.2-80.

Appointment of employment standards officers

2-81(1) The minister may appoint any employees of the ministry or category of employees of the ministry as employment standards officers for the purpose of enforcing this Part, the regulations made pursuant to this Part and any other prescribed Acts and prescribed regulations.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

2013, c.S-15.1, s.2-81.

Written credentials for employment standards officers

2-82 The minister shall provide each employment standards officer with written credentials of the officer's appointment, and the employment standards officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.2-82.

Inspection

2-83(1) Subject to subsection (5), an employment standards officer may enter any premises, place of employment, workplace or other place where records of employment are kept and conduct an inspection for the purpose of:

(a) making an inquiry in response to a complaint of an employee; or

(b) determining whether there is compliance with this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1).

(2) An inspection may be conducted at any reasonable time.

(3) When conducting an inspection in accordance with subsection (1) or enforcing a certificate, decision, order or judgment for wages, an employment standards officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(c) require any person to deliver any information and records that the officer considers necessary to ascertain whether this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) are being or have been complied with:

(i) within a period stated by the officer;

(ii) at a place designated by the officer; and

(iii) in a form acceptable to the officer;

(d) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(e) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records;

(f) subject to subsection (6), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given.

(4) Without limiting the generality of subsection (3), for the purposes of enforcing a judgment for wages, an employment standards officer may demand from any person, including a judgment debtor, the Crown or any other public body, any information that pertains to the judgment debtor and that is within the knowledge of, or is in any records in the possession or control of, the person, the judgment debtor, the Crown or public body, as the case may be, including:

(a) the legal name of the judgment debtor;

(b) the location and address of the judgment debtor;

(c) any place of employment and work arrangements of the judgment debtor;

(d) the wages, salary and other income of the judgment debtor;

(e) the assets of the judgment debtor and any property in which the judgment debtor may have an interest and any relevant information about those assets or that property;

(f) any other information that may reasonably assist with enforcing the judgment.

(5) An employment standards officer shall not enter a private dwelling without a warrant issued pursuant to section 2-84 unless the occupant of the dwelling consents to the entry.

(6) An employment standards officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.2-83.

Investigations

2-84(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, premises or vehicle named in the warrant;

(b) stop and search any vehicle;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1);

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an employment standards officer may:

(a) enter at any time and search any place, premises or vehicle named in the warrant;

(b) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1); and

(c) remove, for the purpose of making copies, any records examined pursuant to this section.

(3) Subject to subsection (4), an employment standards officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result in the loss, removal or destruction of evidence.

(4) An employment standards officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.2-84.

Fee re wage assessments

2-85(1) If the director of employment standards issues a wage assessment pursuant to section 2-74 against an employer or a corporate director and the wage assessment is not appealed or is upheld on appeal, the person against whom the wage assessment is issued is liable to pay to the Crown a fee in the prescribed amount.

(2) If a person who is liable to pay the fee mentioned in subsection (1) fails to pay that fee within the prescribed time, the director of employment standards may issue a certificate setting out the amount of the fee.

(3) A certificate issued pursuant to subsection (2) may be filed with a local registrar of the Court of King's Bench.

(4) A certificate filed pursuant to subsection (3) has the same force and effect as if it were a judgment obtained in the Court of King's Bench for the recovery of a debt.

(5) Without restricting the application of section 2-79, for the purposes of enforcing a certificate issued pursuant to this section, the director of employment standards may issue a demand in accordance with section 2-70, and that section applies, with any necessary modification, for the purposes of this section.

2013, c.S-15.1, s.2-85: 2024, c4, s.32.

Compliance audits and audit fees

2-86(1) If the director of employment standards is satisfied that an employer has been regularly breaching the provisions of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1), the director may require that a compliance audit be conducted:

(a) by an employment standards officer; or

(b) by a person who the director is satisfied has the necessary skills to conduct the audit.

(2) Section 2-83 applies, with any necessary modification, to a compliance audit conducted in accordance with this section.

(3) If the compliance audit discloses multiple breaches of the requirements imposed on employers by this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1), the director of employment standards may charge the employer:

(a) a prescribed amount for an audit conducted by an employment standards officer; or

(b) the amount charged by the person appointed in accordance with clause (1)(b).

(4) Section 2-85 applies, with any necessary modification, to the enforcement of the amount charged pursuant to this section.

2013, c.S-15.1, s.2-86.

Director has standing as representative of employees

2-87(1) The director of employment standards:

(a) has standing to make a representation on behalf of the Government of Saskatchewan or to represent any or all employees of an employer:

(i) in proceedings respecting an appeal of a wage assessment or a hearing mentioned in sections 2-75 and 2-76 before an adjudicator, the board or a court;

(ii) in proceedings pursuant to any other Act or any Act of the Parliament of Canada with respect to claims for unpaid wages; and

(b) may apply to a court to intervene in proceedings involving claims by or against employees, if in the opinion of the director the proceedings raise an issue of general importance to the rights and responsibilities of employers or employees.

(2) Subsection (1) does not require the director of employment standards to represent employees in any proceedings.

(3) In exercising the power set out in subsection (1), the director of employment standards shall act in a reasonable manner.

2013, c.S-15.1, s.2-87 2019, c20, s.10.

Negotiation and settlement by director of employment standards

2-88 Notwithstanding any other provision of this Part, the director of employment standards may:

(a) negotiate and settle any difference pursuant to this Part between:

(i) an employer or corporate director; and

(ii) an employee; and

(b) receive moneys on behalf of the employee in settlement of the difference mentioned in clause (a).

2013, c.S-15.1, s.2-88.

Time limits for claims to director of employment standards

2-89(1) A claim pursuant to this Part with respect to unpaid wages must be made to the director of employment standards:

(a) within 12 months after the last day on which payment of wages was to be made to an employee and the employer failed to make the payment; or

(b) if employment with the employer has ended, within 12 months after the last day on which any final payment of wages was to be made to the employee.

(2) Recovery of wages pursuant to this Part is limited:

(a) to wages that became payable in the 12 months preceding the day on which the claim was made to the director of employment standards; or

(b) if the employment with the employer has ended, to wages that became payable within the last 12 months of employment with that employer.

(3) Other than with respect to a claim mentioned in subsection (1), a complaint respecting an alleged contravention of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) must be made to the director of employment standards within 12 months after the date on which the complainant knew or, in the opinion of the director, ought reasonably to have known about the alleged contravention.

2013, c.S-15.1, s.2-89.

Director of employment standards to keep records of moneys paid pursuant to this Part

2-90(1) The director of employment standards shall keep a record of:

(a) all moneys paid to the director by employers and corporate directors, and all moneys received, pursuant to demands and actions to enforce payments pursuant to this Part; and

(b) all moneys paid by the director to employees, employers or corporate directors.

(2) If money received by the director of employment standards on behalf of an employee has not been paid to the employee concerned because the director has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years after the date of its receipt by the director, the money, on the order of the minister:

(a) becomes the property of the Crown; and

(b) must be paid into the general revenue fund.

2013, c.S-15.1, s.2-90.

Posting of documents

2-91(1) The director of employment standards may require that an employer post in a workplace all or a portion of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any other documents that the director considers appropriate.

(2) No employer shall fail to comply with a requirement imposed on the employer pursuant to subsection (1).

2013, c.S-15.1, s.2-91.

Enforcement of extraprovincial judgments

2-92(1) Notwithstanding any other Act, the director of employment standards may file a certified copy of a final order or judgment for the payment of wages made by any court or statutory authority in any other province or territory of Canada in the office of a local registrar of the Court of King's Bench.

(2) A copy of any order made by a court or statutory authority mentioned in subsection (1) purporting to be certified as a true copy by the presiding officer, judge or secretary of the court or statutory authority is admissible in evidence as proof of the order without proof of the appointment or signature of the person so certifying.

(3) On being filed pursuant to subsection (1), the final order or judgment is enforceable in the same manner as any other judgment or order of the Court of King's Bench.

(4) For the purpose of enforcing orders or judgments mentioned in subsection (3), the director of employment standards may issue demands in accordance with section 2-70 and that section applies, with any necessary modification, for the purposes of this section.

2013, c.S-15.1, s.2-92; 2024, c4, s.32.

Application to set aside filed orders and judgment

2-93(1) If an order or judgment has been filed pursuant to section 2-92, the person against whom the order or judgment was made may apply to the Court of King's Bench to have the filing set aside.

(2) An application pursuant to subsection (1) must be made within:

(a) one month after the person against whom the order or judgment was made has had notice of the filing; or

(b) any further time that the Court of King's Bench may allow pursuant to subsection (3).

(3) On an application by the person against whom the order or judgment was made and on any terms it considers just and equitable, the Court of King's Bench may extend the time within which an application may be made pursuant to subsection (1).

(4) An order to extend the time may be made pursuant to subsection (3) notwithstanding that the time within which an application pursuant to subsection (1) may be made expired before an application for extension was made pursuant to subsection (3).

(5) On an application pursuant to subsection (1), the Court of King's Bench may set aside the filing of the order or judgment if the court is satisfied that:

(a) the court or statutory authority in the other province or territory did not have territorial competence over the person against whom the order or judgment was made; or

(b) the order or judgment was obtained by fraud.

(6) If, on an application pursuant to subsection (1) it is established to the satisfaction of the Court of King's Bench that an appeal is pending in the other jurisdiction, the court may make any order that it considers appropriate.

2013, c.S-15.1, s.2-93; 2024, c4, s.32.

***The Pension Benefits Act, 1992* to prevail**

2-94 If there is a conflict between any provision of this Part and *The Pension Benefits Act, 1992* or any regulations made pursuant to that Act, that Act or those regulations prevail.

2013, c.S-15.1, s.2-94.

Subdivision 2
Offences and Penalties

Offences

2-95(1) No person shall:

(a) in the case of an employer:

(i) fail to pay an employee:

(A) the wages owing to the employee in the time and manner required pursuant to this Part, the regulations made pursuant to this Part or any authorization issued pursuant to this Part; or

(B) the total wages to which the employee is entitled in accordance with the employee's contract of employment or with a collective agreement that applies to the employee;

(ii) take discriminatory action against an employee for any reason prohibited by this Part;

(iii) make a deduction from wages that is not authorized or allowed by this Part or the regulations made pursuant to this Part;

(iv) fail to keep true and accurate records as required pursuant to this Part or the regulations made pursuant to this Part;

(v) fail to provide a statement of earnings to an employee that satisfies the requirements of this Part or the regulations made pursuant to this Part; or

(vi) fail to provide records in the time and manner required by an employment standards officer;

(b) intentionally delay or obstruct the director of employment standards or an employment standards officer in the exercise of his or her powers or the performance of his or her duties;

(c) fail to reasonably cooperate with the director of employment standards or an employment standards officer in the exercise of his or her powers or the performance of his or her duties;

(d) fail to comply with any provision of this Part, any regulations made pursuant to this Part or any authorization issued pursuant to this Part.

(2) Every person who contravenes a provision of subsection (1) is guilty of an offence and liable on summary conviction:

(a) subject to clause (b), to a fine of not more than $10,000; and

(b) in the case of an offence that is committed within six years after the person is convicted of any offence:

(i) to a fine of not more than $25,000 for a second offence; and

(ii) to a fine of not more than $50,000 for a third or subsequent offence.

2013, c.S-15.1, s.2-95.

Order to pay wages or deliver records and information

2-96(1) Subject to subsection (3), if a person is convicted of an offence respecting the failure to pay wages, the convicting court may, in addition to any fine imposed by the court, order the person to pay the unpaid employee the amount of the wages to which the employee is entitled:

(a) immediately; or

(b) on those terms and conditions that the court directs.

(2) If an employer is convicted of an offence for failing to keep or deliver up for inspection any records or information as required or directed, the convicting judge may, in addition to any fine imposed, order the employer to immediately prepare and deliver to the director of employment standards those records or that information.

(3) The convicting court may reduce the amount of an award pursuant to this section by an amount that the convicting court is satisfied that the employee earned or should have earned during the period when the employer or corporate director was required to pay the employee the wages.

(4) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (3).

2013, c.S-15.1, s.2-96.

Additional powers of convicting court

2-97(1) If an employer is convicted of failure to grant an employment leave or of failure to reinstate an employee in his or her former employment after the employment leave, the convicting court may, in addition to any other penalty imposed for the offence, order the employer:

(a) if the conviction is for failure to grant an employment leave, to immediately grant to the employee the leave that the employer ought to have granted; or

(b) if the conviction is for failing to reinstate an employee in his or her former employment after the employee has been granted employment leave:

(i) to reinstate the employee in his or her former employment under the same terms and conditions in which he or she was formerly employed; and

(ii) to pay to the employee his or her wages retroactive to the date that the convicting judge determines that the employee ought to have been reinstated in his or her former employment pursuant to this Part.

(2) If an employer is convicted of failure to modify duties or reassign an employee because of the employee's disability or pregnancy, the convicting court may, in addition to any other penalty imposed for the offence, order the employer to reassign the employee to other duties or to modify the employee's duties so as to accommodate the employee's disability or pregnancy in a reasonable manner.

(3) If an employer is convicted of taking discriminatory action against an employee contrary to this Part, the convicting court may, in addition to any other penalty imposed, order the employer to do all or any of the following:

(a) to reinstate the employee in the former employment under the same terms and conditions in which the employee was formerly employed;

(b) to pay to the employee the wages of the employee retroactive to the date that the discriminatory action was taken against the employee;

(c) to cease the discriminatory action.

2013, c.S-15.1, s.2-97; 2020, c 12, s.6.

Limitation on prosecutions

2-98 No prosecution with respect to an alleged offence pursuant to this Part or to the regulations made pursuant to this Part is to be commenced after two years from the day of the commission of the alleged offence.

2013, c.S-15.1, s.2-98.

DIVISION 7
Regulations

Regulations for Part

2-99 The Lieutenant Governor in Council may make regulations:

(a) exempting any employer or category of employers from any or all of the provisions of this Part, conditionally or unconditionally;

(b) exempting any employee or category of employees from any or all of the provisions of this Part, conditionally or unconditionally;

(c) prescribing the period, if any, during which a regulation made pursuant to clause (a) or (b) applies;

(d) imposing terms and conditions applicable to any employer or employee or category of employers or employees exempted pursuant to clause (a) or (b), including terms and conditions prescribing the number of hours that an employee or category of employees may be required or permitted to work or to be at the disposal of his or her employer without the employer being required to pay the employee or category of employees additional wages pursuant to Subdivision 3 of Division 2;

(e) for the purposes of clause 2-1(f), prescribing activities;

(f) for the purposes of clause 2-3(1)(a), prescribing provisions of this Part that apply or do not apply to employees, employers or categories of employees or employers;

(g) for the purposes of section 2-16:

(i) prescribing the amount of the minimum wage or prescribing the manner in which the minimum wage is to be determined; and

(ii) prescribing the minimum sum to be paid when an employee reports for duty or prescribing the manner in which that minimum sum is to be determined;

(g.1) subject to any other Act, fixing the minimum age at which employees may be employed in any class of employment;

(g.2) requiring every employer in any class of employment to provide, repair and launder without charge to his or her employee any uniform or special article of wearing apparel that the employer requires the employee to wear;

(g.3) requiring that, if an employer grants a rest period to an employee, the employee shall be deemed to have worked during the whole of the period;

(g.4) fixing the maximum price to be charged to an employee by an employer, or the maximum deduction from the wages of an employee to be made by an employer, for living quarters in circumstances where the employer furnishes permanent or temporary living quarters to an employee:

(i) whether or not the living quarters are self-contained; and

(ii) whether or not the living quarters are in the general possession and custody of the employer;

(g.5) requiring that, if an employee or a member of a class of employees is required or permitted to finish work between the hours of half past twelve o'clock in the morning and seven o'clock in the morning local time, the employer shall provide the employee with free transportation to the employee's place of residence;

(h) authorizing the director of employment standards to conduct a vote of employees before issuing an authorization pursuant to this Part;

(i) governing the provision of benefits to eligible employees pursuant to section 2-39;

(j) prescribing benefit plans for the purposes of subsection 2-48(2);

(j.1) for the purposes of section 2-56.1:

(i) prescribing other persons; and

(ii) prescribing purposes for which leave may be taken;

(k) for the purposes of clause 2-62(2)(b), prescribing the period within which notice of group termination must be given;

(l) prescribing the amount of money that an appellant must deposit with the director of employment standards for the purposes of subsection 2-75(4);

(m) for the purposes of section 2-85, prescribing:

(i) the amount of fees payable or the manner of determining those fees; and

(ii) the time within which the fees must be paid;

(n) governing and requiring the keeping of records by employers for the purposes of this Part;

(o) respecting the determination of the cash value of board and lodging received by an employee from his or her employer;

(p) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.2-99; 2014, c.27, s.4; 2017, c31, s.5.

DIVISION 8
Transitional

Transitional

2-100(1) In this section, **"former Act"** means *The Labour Standards Act* as that Act existed on the day before the coming into force of this section.

(2) Subject to subsection (3), any written authorization that was in force pursuant to the former Act remains in force for the period of the authorization or until the director of employment standards amends or cancels the authorization in accordance with section 2-20.

(3) The Lieutenant Governor in Council may make regulations prescribing a maximum period during which an authorization mentioned in subsection (2) continues in force.

(4) An employer who is paying wages with the frequency and in the manner authorized by section 46 of the former Act shall, on or before July 1, 2018, pay wages with the frequency and in the manner required pursuant to this Part.

2013, c.S-15.1, s.2-100.

PART III
Occupational Health and Safety

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

3-1(1) In this Part and in Part IV:

(a) **"biological substance"** means a substance containing living organisms, including infectious micro-organisms, or parts of organisms or products of organisms in their natural or modified forms;

(b) **"chemical substance"** means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour, other than a biological substance;

(c) **"chief mines inspector"** means the chief mines inspector appointed pursuant to section 3-5;

(d) **"chief occupational medical officer"** means the chief occupational medical officer appointed pursuant to section 3-4;

(e) **"competent"** means possessing knowledge, experience and training to perform a specific duty;

(f) **"compliance undertaking"** means a compliance undertaking entered into pursuant to section 3-38;

(g) **"contractor"** means a person who, or a partnership or group of persons that, pursuant to one or more contracts:

(i) directs the activities of one or more employers or self-employed persons involved in work at a place of employment; or

(ii) subject to subsection (3), retains an employer or self-employed person to perform work at a place of employment;

(h) **"director of occupational health and safety"** means the director of occupational health and safety appointed pursuant to section 3-3;

(i) **"discriminatory action"** means any action or threat of action by an employer or person acting on behalf of an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty, but does not include:

(i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or

(ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker, while:

(A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;

(B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker's refusal to perform any particular act or series of acts; or

(C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a);

(j) **"employer"** means, subject to section 3-29, a person, firm, association or body that has, in connection with the operation of a place of employment, one or more workers in the service of the person, firm, association or body;

(k) **"equipment"** means any mechanical or non-mechanical article or device, and includes any machine, tool, appliance, apparatus, implement, service or utility, but does not include the personal property owned by an individual unless that property is used in the carrying on of an occupation;

(l) **"harassment"** means:

(i) any inappropriate conduct, comment, display, action or gesture by a person towards a worker:

(A) that either:

(I) is based on any prohibited ground as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight; or

(II) subject to subsections (4) and (5), adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause the worker to be humiliated or intimidated; and

(B) that constitutes a threat to the health or safety of the worker; or

(ii) any conduct, comment, display, action or gesture by a person towards a worker that:

(A) is of a sexual nature; and

(B) the person knows or ought reasonably to know is unwelcome;

(m) **"notice of contravention"** means a notice of contravention served pursuant to section 3-38;

(n) **"occupation"** means employment, business, calling or pursuit;

(o) **"occupational health and safety"** means:

(i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;

(ii) the prevention among workers of ill health caused by their working conditions;

(iii) the protection of workers in their employment from factors adverse to their health;

(iv) the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions; and

(v) the promotion and maintenance of a working environment that is free of harassment;

(p) **"occupational health and safety representative"** means an occupational health and safety representative designated pursuant to section 3-24;

(q) **"occupational health and safety service"** means a service organized in or near a place of employment for the purposes of:

(i) protecting workers against any health or safety hazard that may arise out of their work or the working conditions under which it is carried on;

(ii) contributing to the workers' physical and mental adjustment in their employment and their assignment to jobs for which they are suited; and

(iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being in the workers;

(r) **"occupational health committee"** means an occupational health committee established pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part;

(s) **"occupational health officer"** means a person appointed as an occupational health officer pursuant to section 3-6;

(t) **"owner"** includes:

(i) a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used or to be used as a place of employment; and

(ii) any person who acts for or on behalf of a person mentioned in subclause (i) as that person's agent or delegate;

(u) **"physician"** means a duly qualified medical practitioner;

(v) **"place of employment"** means any plant in or on which one or more workers or self-employed persons work, usually work or have worked;

(w) **"plant"** includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation;

(x) **"practicable"** means possible given current knowledge, technology and invention;

(y) **"prime contractor"** means the person who is the prime contractor in accordance with section 3-13;

(z) **"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;

(aa) **"registered nurse"** means a nurse registered pursuant to *The Registered Nurses Act, 1988*;

(bb) **"self-employed person"** means a person who is engaged in an occupation but is not in the service of an employer;

(cc) **"structure"** includes any building, support for equipment, factory, road, dam, bridge, waterway, dock, railway or excavation;

(dd) **"supervisor"** means an individual who is authorized by an employer to oversee or direct the work of the employer's worker;

(ee) **"supplier"** means, unless otherwise stated, a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any biological substance or chemical substance or any plant to be used at a place of employment;

(ff) **"train"** means to give information and explanation to a worker with respect to a particular subject-matter and to require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;

(gg) **"worker"** means, subject to subsection (6):

(i) an individual, including a supervisor, who is engaged in the service of an employer and includes a person who is enrolled in a secondary or post-secondary educational institution and who:

(A) is permitted by an employer, directly or indirectly, to perform work or services; or

(B) is being trained by an employer; or

(ii) a member of a prescribed category of individuals;

but does not include an inmate, as defined in *The Correctional Services Act, 2012*, of a correctional facility as defined in that Act who is participating in a work project or rehabilitation program within the correctional facility;

(hh) **"worksite"** means an area at a place of employment where a worker works or is required or permitted to be present.

(2) In this Part:

(a) if a provision refers to any matter or thing that an employer is required to do in relation to workers, the provision applies to workers who are in the service of that employer, unless the context requires otherwise; and

(b) if a provision refers to any matter or thing that an employer is required to do in relation to a place of employment, the provision applies to every place of employment of that employer, unless the context requires otherwise.

(3) For the purposes of subclause (1)(g)(ii), a person, partnership or group of persons is considered to be a contractor only if that person, partnership or group of persons knows or ought reasonably to know the provisions of this Part and the regulations made pursuant to this Part respecting the work or the place of employment at the time of retaining the employer or self-employed person to perform work at a place of employment.

(4) To constitute harassment for the purposes of subparagraph (1)(l)(i)(A)(II), either of the following must be established:

(a) repeated conduct, comments, displays, actions or gestures;

(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.

(5) For the purposes of subparagraph (1)(l)(i)(A)(II), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

(6) For the purposes of clause (1)(l), subsections (4) and (5), clauses 3-8(d) and (d.1), clauses 3-9(c) and (c.1), clauses 3-10(b) and (b.1) and sections 3-21 and 3-21.1, a worker includes:

(a) a volunteer that an employer permits, directly or indirectly, to perform work or services; and

(b) an independent or dependent contractor.

2013, c.S-15.1, s.3-1; 2021, c 38, s.3; 2023, c 40, s.3.

Responsibilities of minister re Part

3-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to occupational health and safety and to advancing and improving occupational health and safety in the workplace.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting occupational health and safety;

(b) either alone or in conjunction with the Workers' Compensation Board and the minister responsible for the administration of *The Public Health Act, 1994*, prepare and maintain occupationally related injury and illness statistics respecting workers and self-employed persons;

(c) provide assistance to persons concerned with occupational health and safety and provide services to assist occupational health committees, occupational health and safety representatives, employers, workers and self-employed persons in maintaining reasonable standards for the protection of the health and safety of workers and self-employed persons;

(d) promote or conduct studies and research projects in connection with issues relating to the health and safety of workers;

(e) encourage or conduct educational programs including seminars and courses of training for promoting the health and safety of workers and for improving the qualifications of persons involved in the promotion of occupational health and safety; and

(f) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-2.

DIVISION 2
Administration

Appointment of director of occupational health and safety

3-3(1) The minister shall appoint an employee of the ministry as director of occupational health and safety.

(2) The director of occupational health and safety may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Part.

(3) The director of occupational health and safety may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.3-3.

Appointment of chief occupational medical officer

3-4 The minister shall appoint as chief occupational medical officer a physician who has training or experience in occupational health.

2013, c.S-15.1, s.3-4.

Appointment of chief mines inspector

3-5 The minister shall appoint as chief mines inspector a professional engineer or professional geoscientist who holds a valid licence pursuant to *The Engineering and Geoscience Professions Act*, or who is eligible for a licence pursuant to that Act, and who has training or experience in the mining industry.

2013, c.S-15.1, s.3-5.

Appointment of occupational health officers

3-6(1) The minister may appoint any employees of the ministry or category of employees of the ministry as occupational health officers for the purpose of enforcing this Part, the regulations made pursuant to this Part and any other prescribed Acts and prescribed regulations.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

(3) The director of occupational health and safety, the chief occupational medical officer and the chief mines inspector have all of the powers and authority and all of the protection of occupational health officers and any other powers that may be conferred on them by this Part or the regulations made pursuant to this Part.

(4) The minister may enter into an agreement with the government of any province or territory of Canada or with the Government of Canada specifying the terms and conditions under which a person employed by the government of that province or territory or the Government of Canada may, for the purposes of this Part, act as an occupational health officer in Saskatchewan.

(5) On any terms and conditions that the minister considers necessary, the minister may consent to have an occupational health officer carry out health and safety inspections or other work on behalf of the government of another province or territory of Canada or on behalf of the Government of Canada.

2013, c.S-15.1, s.3-6.

Written credentials for occupational health officers

3-7 The minister shall provide each occupational health officer with written credentials of the officer's appointment, and the occupational health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-7.

DIVISION 3
Duties

General duties of employer

3-8 Every employer shall:

(a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;

(b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;

(c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b);

(d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;

(d.1) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to violence with respect to any matter or circumstance arising out of the workers' employment;

(e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;

(f) ensure that:

(i) the employer's workers are trained in all matters that are necessary to protect their health, safety and welfare; and

(ii) all work at the place of employment is sufficiently and competently supervised;

(g) if the employer is required to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment;

(h) ensure, insofar as is reasonably practicable, that the activities of the employer's workers at a place of employment do not negatively affect the health, safety or welfare at work of the employer, other workers or any self-employed person at the place of employment; and

(i) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-8; 2023, c 40, s.4.

General duties of supervisors

3-9 Every supervisor shall:

(a) ensure, insofar as is reasonably practicable, the health and safety at work of all workers who work under the supervisor's direct supervision and direction;

(b) ensure that workers under the supervisor's direct supervision and direction comply with this Part and the regulations made pursuant to this Part;

(c) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to harassment at the place of employment;

(c.1) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to violence at the place of employment;

(d) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(e) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-9; 2023, c 40, s.5.

General duties of workers

3-10 Every worker while at work shall:

(a) take reasonable care to protect his or her health and safety and the health and safety of other workers who may be affected by his or her acts or omissions;

(b) refrain from causing or participating in the harassment of another worker;

(b.1) refrain from causing or participating in any violent act towards another worker;

(c) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(d) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-10; 2023, c 40, s.6.

General duties of self-employed persons

3-11 Every self-employed person shall:

(a) conduct his or her undertaking in such a way as to ensure, insofar as is reasonably practicable, that the self-employed person and workers employed on or about the same place of employment who may be affected by the undertaking are not thereby exposed to risks to their health and safety;

(b) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(c) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-11.

General duties of contractors

3-12 Every contractor shall:

(a) ensure, insofar as is reasonably practicable, that each of the following that is not in the direct and complete control of an employer or self-employed person under contract with the contractor is safe for, without risk to the health of, and adequate with regard to facilities for the welfare of, all employers, workers or self-employed persons at the place of employment:

(i) every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;

(ii) every work process or procedure carried on at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;

(b) post any prescribed notice in a conspicuous location at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person; and

(c) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-12.

General duties of prime contractors at certain multi-employer worksites

3-13(1) Every worksite must have a prime contractor if the worksite:

(a) has multiple employers or self-employed persons; and

(b) meets the prescribed circumstances.

(2) The prime contractor for a worksite mentioned in subsection (1) is to be determined in the prescribed manner.

(3) The prime contractor for a worksite shall carry out the prescribed activities.

2013, c.S-15.1, s.3-13.

General duties of owners

3-14 Every owner of any plant used as a place of employment shall:

(a) ensure, insofar as is reasonably practicable, that any area of the plant or activity occurring in or on an area of the plant that is not in the direct and complete control of any contractor, employer or self-employed person who works or employs one or more workers who work in or on the plant:

(i) is maintained or is carried on in compliance with this Part and the regulations made pursuant to this Part; and

(ii) does not endanger the health or safety of any contractor, employer, worker or self-employed person who works in or on the plant; and

(b) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-14.

General duties of suppliers

3-15 Every supplier shall:

(a) ensure, insofar as is reasonably practicable, that any biological substance or chemical substance or any plant supplied by the supplier to any owner, contractor, employer, worker or self-employed person for use in or at a place of employment:

(i) is safe when used in accordance with the instructions provided by the supplier; and

(ii) complies with the requirements of this Part and the regulations made pursuant to this Part;

(b) in the prescribed circumstances:

(i) provide written instruction respecting the safe use of equipment that is supplied by the supplier to be used in or at a place of employment by workers; and

(ii) provide notice when equipment supplied does not or will not likely comply with a prescribed standard when used at a place of employment by workers;

(c) if the supplier has responsibility under a leasing agreement to maintain equipment, maintain that equipment in a safe condition and in compliance with the regulations made pursuant to this Part and any applicable orders issued pursuant to those regulations; and

(d) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-15.

Duty to provide information

3-16(1) In this section, **"required information"**:

(a) means any information that an employer, contractor, owner or supplier knows or may reasonably be expected to know and that:

(i) may affect the health or safety of any person who works at a place of employment; or

(ii) is necessary to identify and control any existing or potential hazards with respect to any plant or any process, procedure, biological substance or chemical substance used at a place of employment; and

(b) includes any prescribed information.

(2) Subject to section 3-17 and Division 7, every employer shall keep readily available all required information and provide that information to the following at a place of employment:

(a) the occupational health committee;

(b) the occupational health and safety representative;

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(3) Subject to Division 7, every contractor shall provide all required information to:

(a) every employer and self-employed person with whom the contractor has a contract; and

(b) any occupational health committee established by the contractor.

(4) Subject to Division 7, every owner of a plant used as a place of employment shall provide all required information to every contractor, every employer who employs workers who work in or on the plant and every self-employed person who works in or on the plant.

(5) Subject to Division 7, every supplier shall provide prescribed written instructions and any other prescribed information to every employer to whom the supplier supplies any prescribed biological substance, chemical substance or plant.

2013, c.S-15.1, s.3-16.

Exemption

3-17(1) Subject to Division 7, an employer, owner, contractor or supplier may apply for an exemption from the requirements of subsection 3-16(2), (3), (4) or (5), as the case may be, with respect to information that contains trade secrets of the applicant by submitting a written request to the director of occupational health and safety.

(2) After consultation with any interested persons that the director of occupational health and safety considers appropriate, the director may exempt an applicant pursuant to subsection (1) from the requirements of subsection 3-16(2), (3), (4) or (5) with respect to information that contains trade secrets of the applicant.

(3) An exemption pursuant to subsection (2):

(a) must be in writing; and

(b) may be made subject to any terms and conditions that, in the opinion of the director of occupational health and safety, are necessary to secure the health or safety of the workers.

2013, c.S-15.1, s.3-17.

Provision of information to medical personnel

3-18(1) An employer shall, as soon as possible in the circumstances, provide any information exempted pursuant to subsection 3-17(2) that is in the possession of the employer to any physician or registered nurse who requests the information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a worker in an emergency.

(2) A physician or registered nurse to whom information is provided pursuant to subsection (1) shall:

(a) use the information only for the purpose for which it is provided; and

(b) keep confidential any information specified by the employer as confidential information.

2013, c.S-15.1, s.3-18.

Duty to provide occupational health and safety service

3-19(1) The minister may designate in writing a place of employment or a category of places of employment as requiring an occupational health and safety service, having regard to:

(a) the type of work being carried on;

(b) the number of workers employed; and

(c) the degree of hazard at the place or places of employment.

(2) An employer operating at a place of employment designated pursuant to subsection (1) shall establish and maintain an occupational health and safety service for the place of employment.

(3) The minister may specify in writing the services that are to be provided by the occupational health and safety service for a designated place of employment.

(4) The establishment and continued operation of an occupational health and safety service is subject to the direction of the minister.

(5) Nothing in this section is to be interpreted as limiting or replacing the duties or requirements imposed on employers and workers by this Part or the regulations made pursuant to this Part, including any duties related to occupational health committees or occupational health and safety representatives.

2013, c.S-15.1, s.3-19.

Duty to provide occupational health and safety programs

3-20(1) An employer at a prescribed place of employment shall establish and maintain an occupational health and safety program or a prescribed part of an occupational health and safety program in accordance with the regulations made pursuant to this Part.

(2) An occupational health and safety program at a prescribed place of employment must be established and designed in consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(3) An occupational health and safety program must include all prescribed documents, information and matters.

(4) An occupational health and safety program at a prescribed place of employment must be in writing and must be made available, on request, to the occupational health committee, the occupational health and safety representative, the workers or an occupational health officer.

(5) If the work at a place of employment is carried on pursuant to contracts between a contractor and two or more employers, the contractor shall coordinate the occupational health and safety programs of all employers at the place of employment.

(6) The director of occupational health and safety may order an employer to develop an occupational health and safety program for a place of employment if the director considers it to be in the interests of the health, safety and welfare of the employer's workers based on the criteria set out in subsection (8).

(7) An order issued pursuant to subsection (6) must be in writing.

(8) In making an order pursuant to subsection (6), the director of occupational health and safety shall consider the following criteria:

(a) the frequency of occupationally related injuries and illnesses at the place of employment;

(b) the number and nature of the notices of contravention relating to the place of employment and the history of compliance with those orders and with compliance undertakings;

(c) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

2013, c.S-15.1, s.3-20.

Duty re policy statement on violence and prevention plan

3-21(1) An employer shall develop and implement a written policy statement and prevention plan to deal with potentially violent situations after consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement and prevention plan required pursuant to subsection (1) must include any prescribed provisions.

(3) An employer shall ensure that an investigation is conducted into any incident of violence at the place of employment.

2013, c.S-15.1, s.3-21; 2023, c40, s.7.

Duty re policy on harassment and duty to investigate

3-21.1(1) An employer shall develop and implement a written policy to prevent harassment after consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement required pursuant to subsection (1) must include any prescribed provisions.

(3) An employer shall ensure that an investigation is conducted into any incident of workplace harassment.

2023, c 40, s.8.

DIVISION 4
Occupational Health Committees and Occupational Health and Safety Representatives

Establishment of committees

3-22(1) Subject to the regulations made pursuant to this Part, at every place of employment where 10 or more workers of one employer work, the employer shall:

(a) establish an occupational health committee at the place of employment; and

(b) designate persons as members of the occupational health committee in accordance with this section.

(2) An occupational health committee must consist of at least two and no more than 12 persons.

(3) At least half of the members of an occupational health committee must represent workers other than workers connected with the management of the place of employment.

(4) No person who represents workers shall be designated as a member of an occupational health committee unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers whom the person would represent on the committee, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

2013, c.S-15.1, s.3-22.

Director may order additional or new occupational health committees

3-23(1) Notwithstanding section 3-22, but subject to subsections (2) to (4) and the regulations made pursuant to this Part, the director of occupational health and safety may order an employer or contractor to establish:

(a) an additional occupational health committee if, in the opinion of the director, the place of employment would be better served by more than one committee; or

(b) an occupational health committee to protect the health, safety and welfare of the workers if an occupational health committee is not otherwise required.

(2) An order issued pursuant to subsection (1) must be in writing.

(3) In an order issued pursuant to this section, the director of occupational health and safety may specify the composition, practice and procedures of the occupational health committee.

(4) In making an order pursuant to this section, the director of occupational health and safety shall consider the following criteria:

(a) the nature of the work performed at the place of employment;

(b) any request to establish an occupational health committee made by an employer, a prime contractor, a worker or a union representing workers at the place of employment;

(c) the frequency of occupationally related injuries and illnesses at the place of employment or in the industry with which the place of employment is associated;

(d) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

2013, c.S-15.1, s.3-23.

Designation of representatives

3-24(1) Subject to the regulations made pursuant to this Part, at each prescribed place of employment where fewer than 10 workers of one employer work, the employer shall designate a person as the occupational health and safety representative for those workers.

(2) No person may be designated as an occupational health and safety representative unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or the bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers that the person would represent as an occupational health and safety representative, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

2013, c.S-15.1, s.3-24.

Duty to post names

3-25(1) A person who is required to establish an occupational health committee pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part shall post the names of the members of the committee in a conspicuous location at every place of employment of workers represented by the committee.

(2) An employer who is required to designate an occupational health and safety representative pursuant to section 3-24 shall post the name of the representative in a conspicuous location at every place of employment of workers represented by the representative.

2013, c.S-15.1, s.3-25.

General concern of committees and representatives

3-26 An occupational health committee and an occupational health and safety representative shall have a continuing concern with respect to the health, safety and welfare at a place of employment of workers represented by the committee or the representative.

2013, c.S-15.1, s.3-26.

Duties of committees

3-27(1) The duties of an occupational health committee are the following:

(a) to participate in the identification and control of health and safety hazards in or at the place of employment;

(b) to cooperate with the occupational health and safety service, if any, established for the place of employment;

(c) to establish, promote and recommend the means of delivery of occupational health and safety programs for the education and information of workers;

(d) to maintain records with respect to the duties of the committee pursuant to this section;

(e) to investigate any matter mentioned in section 3-31;

(f) to receive, consider and resolve matters respecting the health and safety of workers;

(g) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) An employer or contractor shall ensure that the duties of the occupational health committee imposed by this Part or the regulations made pursuant to this Part are not diminished by any other committee established within the place of employment by the employer or contractor.

2013, c.S-15.1, s.3-27.

Duties of representatives

3-28(1) The duties of an occupational health and safety representative are the following:

(a) to participate in the identification and control of health and safety hazards in or at the place of employment;

(b) to cooperate with the occupational health and safety service, if any, established for the place of employment;

(c) to receive and distribute to workers information regarding health and safety;

(d) to receive, consider and resolve matters respecting the health and safety of workers;

(e) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) The occupational health and safety representative shall perform his or duties in consultation with the employer.

2013, c.S-15.1, s.3-28.

Reference of matters to occupational health officer

3-29(1) In this section, **"employer"** means any person who is required to establish an occupational health committee pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part or to designate an occupational health and safety representative pursuant to section 3-24.

(2) If an employer does not resolve an issue or address a concern raised by an occupational health committee or an occupational health and safety representative with respect to the health, safety and welfare of the workers at a place of employment, the employer shall provide written reasons for not resolving the issue or addressing the concern to the committee or to the representative.

(3) If the parties cannot resolve an issue or address a concern after the provision of written reasons by the employer pursuant to subsection (2), any of the following may refer the matter to an occupational health officer:

(a) the employer;

(b) the occupational health committee;

(c) a member of the occupational health committee;

(d) the occupational health and safety representative.

(4) If a matter is referred to an occupational health officer pursuant to subsection (3), the officer may:

(a) determine that there is no issue or concern and inform the person who referred the matter of the determination;

(b) endeavour to mediate an acceptable resolution of the matter and, if the matter cannot be resolved, give written reasons to the employer and to the occupational health committee or the occupational health and safety representative, as the case may be, why the matter cannot be resolved; or

(c) issue a notice of contravention in accordance with this Part.

(5) Nothing in this section limits the right of a worker to refer any matter respecting occupational health and safety directly to an occupational health officer.

2013, c.S-15.1, s.3-29.

Provision of reports by occupational health officer

3-30 If an occupational health officer provides an employer with a report or other communication related to the health and safety of workers, the occupational health officer shall, at the same time, provide a copy of the report or communication to:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) if there is no occupational health committee and no occupational health and safety representative, the employer's workers.

2013, c.S-15.1, s.3-30.

DIVISION 5
Right to Refuse Dangerous Work; Discriminatory Action

Right to refuse dangerous work

3-31 A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:

(a) sufficient steps have been taken to satisfy the worker otherwise; or

(b) the occupational health committee has investigated the matter and advised the worker otherwise.

2013, c.S-15.1, s.3-31.

Investigation by occupational health officer

3-32 If there is no occupational health committee at a place of employment or if the worker or the employer is not satisfied with the decision of the occupational health committee pursuant to clause 3-31(b):

(a) the worker or the employer may request an occupational health officer to investigate the matter; and

(b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 3-31 until the occupational health officer has investigated the matter and advised the worker otherwise pursuant to subsection 3-33(2).

2013, c.S-15.1, s.3-32.

Decision of occupational health officer

3-33(1) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer may issue a notice of contravention in writing to the employer requiring the appropriate remedial action.

(2) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is not unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer shall, in writing:

(a) advise the employer and the worker of that decision; and

(b) advise the worker that he or she is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-33.

Other workers not to be assigned

3-34 If a worker has refused to perform an act or series of acts pursuant to section 3-31, the employer shall not request or assign another worker to perform that act or series of acts unless that other worker has been advised by the employer, in writing, of:

(a) the refusal and the reasons for the refusal;

(b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act or series of acts in a healthy and safe manner; and

(c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-34.

Discriminatory action prohibited

3-35 No employer shall take discriminatory action against a worker because the worker:

(a) acts or has acted in compliance with:

(i) this Part or the regulations made pursuant to this Part;

(ii) Part V or the regulations made pursuant to that Part;

(iii) a code of practice issued pursuant to section 3-84; or

(iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;

(b) seeks or has sought the enforcement of:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;

(d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;

(e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;

(f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;

(g) is about to testify or has testified in any proceeding or inquiry pursuant to:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment;

(i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;

(j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or

(k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part.

2013, c.S-15.1, s.3-35.

Referral to occupational health officer

3-36(1) A worker who, on reasonable grounds, believes that the employer has taken discriminatory action against him or her for a reason mentioned in section 3-35 may refer the matter to an occupational health officer.

(2) If an occupational health officer decides that an employer has taken discriminatory action against a worker for a reason mentioned in section 3-35, the occupational health officer shall serve a notice of contravention requiring the employer to:

(a) cease the discriminatory action;

(b) reinstate the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;

(c) pay to the worker any wages that the worker would have earned if the worker had not been wrongfully discriminated against; and

(d) remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) If an occupational health officer decides that no discriminatory action has been taken against a worker for any of the reasons set out in section 3-35, the occupational health officer shall advise the worker of the reasons for that decision in writing.

(4) If discriminatory action has been taken against a worker who has acted or participated in an activity described in section 3-35:

(a) in any prosecution or other proceeding taken pursuant to this Part, there is a presumption in favour of the worker that the discriminatory action was taken against the worker because the worker acted or participated in an activity described in section 3-35; and

(b) the onus is on the employer to establish that the discriminatory action was taken against the worker for good and sufficient other reason.

(5) **Repealed.** 2023, c 40, s.9.

(6) **Repealed.** 2023, c 40, s.9.

2013, c.S-15.1, s.3-36; 2023, c 40, s.9.

Order to reinstate worker wrongfully discriminated against

3-37 If an employer is convicted of taking discriminatory action against a worker contrary to any provision of this Part, the convicting judge shall order the employer:

(a) to cease the discriminatory action;

(b) to reinstate the worker to the worker's former employment on the same terms and conditions under which the worker was formerly employed;

(c) to pay to the worker any wages the worker would have earned if the worker had not been wrongfully discriminated against; and

(d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

2023, c 40, s.10.

DIVISION 6
Compliance Undertakings and Notices of Contravention

Compliance undertakings and notices of contravention

3-38(1) An occupational health officer shall act pursuant to subsection (2) if the occupational health officer is of the opinion that a person:

(a) is contravening any provision of this Part or the regulations made pursuant to this Part; or

(b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.

(2) In the circumstances mentioned in subsection (1), the occupational health officer shall:

(a) subject to subsection (4), require the person to enter into a compliance undertaking; or

(b) serve a notice of contravention on the person.

(3) For the purposes of subsection (2):

(a) a compliance undertaking must:

(i) be in writing and in the form approved by the director of occupational health and safety;

(ii) contain a description by the occupational health officer of the action to be undertaken by the person; and

(iii) contain the person's signed commitment to:

(A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the occupational health officer in the compliance undertaking; and

(B) provide a progress report in accordance with section 3-43; and

(b) a notice of contravention must:

(i) cite the contravened provision of this Part or of the regulations made pursuant to this Part;

(ii) state the reasons for the occupational health officer's opinion; and

(iii) require the person to remedy the contravention within a period specified by the occupational health officer in the notice of contravention.

(4) An occupational health officer shall not allow a person to enter into a compliance undertaking if a provision of this Part or the regulations made pursuant to this Part requires that a notice of contravention be issued.

(5) An occupational health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:

(a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 3-43; or

(b) in the opinion of the occupational health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

2013, c.S-15.1, s.3-38.

Directions to remedy contravention

3-39 A notice of contravention may include directions as to the measures to be taken to remedy the contravention to which the notice relates, and the directions must, if practicable, give the person on whom the notice is served a choice of different ways of remedying the contravention.

2013, c.S-15.1, s.3-39.

Contravention involving risk to health or safety

3-40 If an occupational health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a risk to the health or safety of a worker, the occupational health officer may direct in the notice of contravention that any activity to which the notice of contravention relates shall not be carried on after the period specified in the notice or until the contravention specified in the notice has been remedied, whichever occurs first.

2013, c.S-15.1, s.3-40.

Contravention involving serious risk to health or safety

3-41(1) If an occupational health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a serious risk to the health or safety of a worker, the occupational health officer shall, in the notice of contravention, require the cessation of work that involves a serious risk to workers arising from that contravention until the requirement to cease work has been withdrawn by an occupational health officer.

(2) Notwithstanding subsection (1), if an occupational health officer requires the immediate cessation of any work at or the evacuation of workers from a place of employment or a worksite pursuant to subsection (1), the person on whom the notice of contravention is served may, subject to any direction given by the occupational health officer, carry out or cause workers to carry out the activities or measures necessary to remedy the contravention.

2013, c.S-15.1, s.3-41.

Copy of compliance undertaking or notice of contravention

3-42 If a person enters into a compliance undertaking or an occupational health officer serves a notice of contravention on any person, the occupational health officer shall:

(a) if there is an occupational health committee or an occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, provide the occupational health committee or the occupational health and safety representative with a copy of the compliance undertaking or notice of contravention; or

(b) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post a copy of the compliance undertaking or notice of contravention in a conspicuous location at that place of employment.

2013, c.S-15.1, s.3-42.

Progress report

3-43(1) Within five business days after the end of the period specified in a compliance undertaking or notice of contravention within which a contravention is to be remedied, the person who entered into the compliance undertaking or on whom the notice of contravention is served:

(a) shall:

(i) provide the occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; or

(ii) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post in a conspicuous location at the place of employment a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; and

(b) shall provide the occupational health officer who received the compliance undertaking or who served the notice of contravention with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention.

(2) A written report mentioned in subsection (1) must include any prescribed information.

2013, c.S-15.1, s.3-43; 2023, c 40, s.11.

Reassignment to alternative work

3-44 If an occupational health officer has served on an employer a notice of contravention that includes a requirement mentioned in section 3-41, the employer shall assign to alternative work, without loss of pay, his or her workers who are no longer able to work at a worksite with respect to which the notice of contravention applies until the workers are permitted by an occupational health officer to resume their work at the worksite.

2013, c.S-15.1, s.3-44.

Withdrawals of certain requirements

3-45 An occupational health officer may withdraw any requirement for the cessation of work mentioned in section 3-41 that is included in a notice of contravention if the occupational health officer is satisfied that the contravention with respect to which the cessation of work was required has been remedied.

2013, c.S-15.1, s.3-45.

Notices of contravention that do not take immediate effect

3-46 If a notice of contravention that is not to take immediate effect has been served:

(a) the notice may be withdrawn by an occupational health officer at any time before the end of the period specified in the notice; or

(b) the period specified pursuant to clause (a) may be extended or further extended by an occupational health officer at any time except when an appeal against the notice is pending.

2013, c.S-15.1, s.3-46.

DIVISION 7
Workplace Hazardous Materials Information System

Interpretation of Division

3-47 In this Division:

(a) **"concentration"** means concentration as expressed in the prescribed manner;

(b) **"hazardous product"** means any product, mixture, material or substance that is classified in accordance with the regulations made pursuant to subsection 15(1) of the *Hazardous Products Act* (Canada) in a category or subcategory of a hazard class listed in Schedule 2 of that Act;

(c) **"label"** means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged;

(d) **"pictogram"** means a graphical composition that includes a symbol along with other graphical elements, such as a border or background colour;

(e) **"pure substance"** means a substance that is composed mainly of a single biological or chemical ingredient;

(f) **"safety data sheet"** means a safety data sheet as defined in the regulations;

(g) **"supplier"** means a supplier as defined in the *Hazardous Products Act* (Canada).

2023, c 40, s.12.

Employer's duties re substances and hazardous products

3-48 Without restricting the generality of section 3-8 or limiting the duties of an employer pursuant to this Part and the regulations made pursuant to this Part, but subject to any prescribed exemptions, every employer shall, with respect to every place of employment controlled by that employer:

(a) ensure that concentrations of biological substances and chemical substances in the place of employment are controlled in accordance with prescribed standards;

(b) ensure that all biological substances and chemical substances in the place of employment are stored, handled and disposed of in the prescribed manner;

(c) ensure that all biological substances and chemical substances in the place of employment, other than hazardous products, are identified in the prescribed manner;

(d) subject to section 3-50, ensure that each hazardous product in the place of employment or each container in the place of employment in which a hazardous product is contained:

(i) has a label that discloses all applicable prescribed information applied to it; and

(ii) has all applicable prescribed pictograms displayed on it in the prescribed manner; and

(e) subject to section 3-50, make available to the employer's workers, to the prescribed extent and in the prescribed manner, a safety data sheet with respect to each hazardous product in the place of employment that discloses:

(i) if the hazardous product is a pure substance, the biological or chemical identity of the hazardous product and, if the hazardous product is not a pure substance, the biological or chemical identity of any ingredient of it that is a hazardous product and the concentration of that ingredient;

(ii) the biological or chemical identity of any ingredient of the hazardous product that the employer has reasonable grounds to believe may be harmful to a worker and the concentration of that ingredient;

(iii) the biological or chemical identity of any ingredient of the hazardous product of which the toxicological properties are not known to the employer and the concentration of that ingredient; and

(iv) any prescribed information with respect to the hazardous product.

2015, c.31, s.3.

Information re hazardous product

3-49 As soon as is practicable in the circumstances, an employer shall provide, with respect to any hazardous product in a place of employment controlled by the employer, any information mentioned in clause 3-48(e) that is in the possession of the employer to any physician or registered nurse who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a worker in an emergency.

2015, c.31, s.3.

Exemption from disclosure

3-50(1) In accordance with subsections (2) and (3), an employer who is required, pursuant to the regulations, to disclose any of the following information on a label or safety data sheet may, if the employer considers that information to be confidential business information, claim an exemption from the requirement to disclose that information:

(a) in the case of a material or substance that is a hazardous product:

(i) the chemical name of the material or substance;

(ii) the number assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society, or any other unique identifier, of the material or substance; and

(iii) the chemical name of any impurity, solvent or stabilizing additive that:

(A) is present in the material or substance;

(B) is classified in a category or subcategory of a health hazard class pursuant to the *Hazardous Products Act* (Canada); and

(C) contributes to the classification of the material or substance in the health hazard class pursuant to that Act;

(b) in the case of an ingredient that is in a mixture that is a hazardous product:

(i) the chemical name of the ingredient;

(ii) the identification number assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society, or any other unique identifier, of the ingredient; and

(iii) the concentration or concentration range of the ingredient;

(c) in the case of a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or any ingredient in the mixture;

(d) the product identifier of a hazardous product, being its chemical name, common name, generic name, trade name or brand name;

(e) information about a hazardous product, other than the product identifier, that constitutes a means of identification; and

(f) information that could be used to identify a supplier of a hazardous product.

(2) Subject to section 3-49, an employer described in subsection (1) may, if the employer considers that information to be confidential business information, claim an exemption from the requirement to disclose that information in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(3) A claim for an exemption pursuant to subsection (2) may, in the discretion of the Minister of Health for Canada, be heard and determined by an occupational health officer or employee of that Minister in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(4) **Repealed.** 2023, c 40, s.13.

(5) **Repealed.** 2023, c 40, s.13.

2015, c.31, s.3; 2023, c 40, s.13.

Information confidential

3-51(1) Subject to subsections (2) and (3), no employee of the ministry and no other person who assists in the administration of this Part shall, during his or her employment or after the termination of his or her appointment or services, reveal any manufacturing or trade secrets that may come to the knowledge of the employee or other person in the course of his or her duties, except for the purposes of this Part and the regulations made pursuant to this Part or as required by law.

(2) For the purposes of subsection (3), **"confidential information"** means:

(a) information that, before the determination of a claim pursuant to section 14 of the *Hazardous Materials Information Review Act* (Canada), is claimed to be confidential business information:

(i) pursuant to section 3-50, by an employer manufacturing or using a hazardous product; or

(ii) pursuant to the *Hazardous Materials Information Review Act* (Canada), by a supplier as defined in the *Hazardous Products Act* (Canada); or

(b) information with respect to which, pursuant to section 14 of the *Hazardous Materials Information Review Act* (Canada):

(i) a claim or portion of a claim for exemption pursuant to section 11 of the *Hazardous Materials Information Review Act* (Canada) has been determined to be valid; and

(ii) compliance with the provisions of the *Hazardous Products Act* (Canada) or the *Canada Labour Code* has not been ordered.

(3) Confidential information is privileged and, notwithstanding any other Act or law, shall not be disclosed to any other person unless the specific disclosure has been expressly authorized by an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada), if:

(a) for the purposes of the administration or enforcement of this Part, the information:

(i) is communicated to the Government of Saskatchewan or any agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada); or

(ii) is obtained by the Government of Saskatchewan or an agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada) through the inspection of or access to any book, record, writing or other document, of the Minister of Health for Canada; or

(b) the information is obtained by any person for the purposes of or through the administration or enforcement of this Part, the *Hazardous Products Act* (Canada) or the *Hazardous Materials Information Review Act* (Canada).

2013, c.S-15.1, s.3-51; 2015, c.31, s.3; 2023, c40, s.14.

DIVISION 8
Appeals

Interpretation of Division

3-52(1) In this Division:

(a) **"adjudicator"** means an adjudicator appointed pursuant to Part IV;

(b) **"decision"** includes:

(i) a decision to grant an exemption;

(ii) a decision to issue, affirm, amend or cancel a notice of contravention or to not issue a notice of contravention; and

(iii) any other determination or action of an occupational health officer that is authorized by this Part.

(2) In this Division and in Part IV, **"person who is directly affected by a decision"** means any of the following persons to whom a decision of an occupational health officer is directed and who is directly affected by that decision:

(a) a worker;

(b) an employer;

(c) a self-employed person;

(d) a contractor;

(e) a prime contractor;

(f) an owner;

(g) a supplier;

(h) any other prescribed person or member of a category of prescribed persons;

but does not include any prescribed person or category of prescribed persons.

2013, c.S-15.1, s.3-52.

Appeal of occupational health officer decision

3-53(1) A person who is directly affected by a decision of an occupational health officer may appeal the decision.

(2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.

(3) The written notice of appeal must:

(a) set out the names of all persons who are directly affected by the decision that is being appealed;

(b) identify and state the decision being appealed;

(c) set out the grounds of the appeal; and

(d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

(4) Subject to subsections (10) and (11) and section 3-54, an appeal pursuant to subsection (1) is to be conducted by the director of occupational health and safety.

(5) In conducting an appeal pursuant to subsection (1), the director of occupational health and safety shall:

(a) provide notice of the appeal to persons who are directly affected by the decision; and

(b) provide an opportunity to the persons who are directly affected by the decision to make written representations to the director as to whether the decision should be affirmed, amended or cancelled.

(6) The written representations by a person mentioned in clause (5)(b) must be made within:

(a) 30 days after notice of appeal is provided to that person; or

(b) any further period permitted by the director of occupational health and safety.

(7) The director of occupational health and safety is not required to give an oral hearing with respect to an appeal pursuant to subsection (1).

(8) After conducting an appeal in accordance with this section, the director of occupational health and safety shall:

(a) affirm, amend or cancel the decision being appealed; and

(b) provide written reasons for the decision made pursuant to clause (a).

(9) The director of occupational health and safety shall serve a copy of a decision made pursuant to subsection (8) on all persons who are directly affected by the decision.

(10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:

(a) the notice of appeal;

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who are directly affected by the decision.

(11) The director of occupational health and safety may, at any time after an appeal is made, defer further action if another proceeding, in the opinion of the director, is more appropriate having regard to the nature of the allegations and the remedies available in the other proceeding.

2013, c.S-15.1, s.3-53; 2023, c 40, s.15.

Appeals re harassment or discriminatory action

3-54(1) An appeal mentioned in subsection 3-53(1) with respect to any matter involving harassment or discriminatory action is to be heard by an adjudicator in accordance with Part IV.

(2) The director of occupational health and safety shall provide notice of the appeal mentioned in subsection (1) to persons who are directly affected by the decision.

2013, c.S-15.1, s.3-54.

Providing appeal material to adjudicator

3-55 In the case of an appeal mentioned in subsection 3-53(10) or section 3-54 that is to be heard by an adjudicator, the director of occupational health and safety shall forward to the adjudicator:

(a) the notice of appeal mentioned in subsection 3-53(2);

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who have been provided notice of the appeal pursuant to clause 3-53(5)(a) or subsection 3-54(2).

2013, c.S-15.1, s.3-55.

Appeal of director's decision to adjudicator

3-56(1) A person who is directly affected by a decision of the director of occupational health and safety made pursuant to subsection 3-53(8) may appeal the decision to an adjudicator in accordance with subsection (2) within 15 business days after the date of service of the decision.

(2) An appeal pursuant to subsection (1) is to be commenced by filing a written notice of appeal with the director of occupational health and safety that:

(a) sets out the names of all persons who are directly affected by the decision being appealed;

(b) identifies and states the decision being appealed;

(c) sets out the grounds of the appeal; and

(d) sets out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

2013, c.S-15.1, s.3-56.

Decisions not stayed by appeals

3-57(1) Subject to subsections (2) and (3), the commencement of an appeal pursuant to section 3-53 or 3-56 does not stay the effect of a decision that is being appealed.

(2) The director of occupational health and safety may, on the director's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the director.

(3) An adjudicator may, on the adjudicator's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the adjudicator.

2013, c.S-15.1, s.3-57.

Discriminatory action during appeal

3-58(1) This section applies if:

(a) a worker commences an appeal on the basis of a decision made by an occupational health officer pursuant to subsection 3-33(2);

(b) the director of occupational health and safety or an adjudicator amends the decision of the occupational health officer and decides that the act or series of acts is or was unusually dangerous to the health or safety of the worker or any other person at the place of employment; and

(c) in the opinion of the director of occupational health and safety or the adjudicator, the employer has, on or after the day on which the occupational health officer advised the employer and the worker of his or her decision pursuant to subsection 3-33(2), taken discriminatory action against the worker as a result of the worker's refusal to perform certain acts pursuant to section 3-31.

(2) In the circumstances mentioned in subsection (1), the director of occupational health and safety or the adjudicator, as the case may be, may order an employer:

(a) to cease the discriminatory action;

(b) if the discriminatory action changed the worker's employment status or the terms and conditions of the worker's employment, to reinstate the worker to his or her former employment on the same terms and conditions under which the worker was employed before the discriminatory action was taken;

(c) if the discriminatory action adversely affected the wages of the worker, to pay to the worker any wages that the worker would have earned if the discriminatory action had not been taken against the worker; and

(d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) **Repealed.** 2023, c 40, s.16.

(4) **Repealed.** 2023, c 40, s.16.

2013, c.S-15.1, s.3-58; 2023, c 40, s.16.

DIVISION 9
Medical Examinations and Treatment

Medical examination

3-59(1) With the consent of each worker being examined, the chief occupational medical officer may carry out or arrange to have carried out by a physician or by a qualified person at the expense of the employer any medical examinations of workers that the chief occupational medical officer considers advisable for the purposes of this Part.

(2) Medical examinations mentioned in subsection (1) may be conducted during working hours without loss in pay to the worker or workers being examined, and the employer shall:

(a) if required by the physician or other qualified person, provide suitable accommodation at the place of employment for the examinations; and

(b) otherwise facilitate the performance of the examinations.

2013, c.S-15.1, s.3-59.

Confidentiality

3-60 A physician or other qualified person who conducts a medical examination of a worker pursuant to section 3-59 shall not communicate, to the employer or to any person other than the worker or the worker's physician, any information that the physician or qualified person becomes aware of during the course of the medical examination unless the communication:

(a) is made to the chief occupational medical officer at the request of the chief occupational medical officer;

(b) is expressly authorized by the worker; or

(c) is in a form that will prevent the information from being identified with a particular person or case.

2013, c.S-15.1, s.3-60.

Power to require alternative work

3-61 If it appears to the director of occupational health and safety on the advice of the chief occupational medical officer that a worker has been overexposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his or her usual work, the director of occupational health and safety may order the employer to provide, without loss of pay to the worker, temporary alternative work that, in the opinion of the director, is suitable, for any period that the director may specify.

2013, c.S-15.1, s.3-61.

Reports to be provided by physician, hospital, etc.

3-62(1) This section applies to:

(a) a worker or self-employed person who became ill or injured while employed at a place of employment or while being otherwise engaged in an occupation; or

(b) a worker who has been examined pursuant to section 3-59.

(2) Every physician or other qualified person who is attending or who has been consulted respecting a worker or self-employed person mentioned in subsection (1) shall, on the request of the chief occupational medical officer, provide the chief occupational medical officer with any reports concerning the condition of the worker or self-employed person that the chief occupational medical officer may require for the purposes of this Part.

(3) Notwithstanding any other Act or law, if a worker or self-employed person mentioned in subsection (1) is or has been a patient in a hospital, the person in charge of the administrative affairs of that hospital shall, on request and without charge, provide to the chief occupational medical officer any reports concerning the condition of the worker or self-employed person that the chief occupational medical officer may require for the purposes of this Part.

2013, c.S-15.1, s.3-62.

DIVISION 10
Inspections, Inquiries and Investigations

Inspections

3-63(1) Subject to subsection (4), an occupational health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

(a) preventing work-related incidents, injuries or illnesses;

(b) ascertaining the cause and particulars of a work-related incident, injury or illness or of an incident that had the potential to cause a work-related incident, injury or illness;

(c) making an inquiry in response to a complaint concerning occupational health and safety; or

(d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the occupational health officer has reasonable grounds to believe that a situation exists that is or may be hazardous to workers.

(3) When conducting an inspection in accordance with subsection (1), an occupational health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to occupational health and safety;

(g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records;

(k) take photographs or recordings of the workplace and activities taking place in the workplace.

(4) An occupational health officer shall not enter a private dwelling without a warrant issued pursuant to section 3-68 unless the occupant of the dwelling consents to the entry.

(5) An occupational health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.3-63; 2023, c 40, s.17.

Obtaining information

3-64(1) For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety, an occupational health officer, the chief occupational medical officer or the chief mines inspector, the director of occupational health and safety may direct any person to provide the director with any information in any form and manner and within any time that the director may specify.

(2) In the prescribed circumstances, an employer shall compile occupationally related injury and illness statistics for the place of employment.

(3) An employer shall:

(a) compile statistics in the prescribed manner; and

(b) ensure that the compilation of the statistics pursuant to clause (a) includes the prescribed matters.

(4) The statistics must be compiled and provided in a manner that protects the confidentiality of workers.

(5) The employer shall:

(a) post the statistics for the information of workers; and

(b) provide the statistics to:

(i) if there is an occupational health committee, the occupational health committee;

(ii) if there is an occupational health and safety representative, the occupational health and safety representative; or

(iii) if there is no occupational health committee or occupational health and safety representative, the workers.

2013, c.S-15.1, s.3-64.

Report re condition of plant

3-65(1) If the director of occupational health and safety is of the opinion that the health and safety of a worker may be at risk as a consequence of the condition of a plant, the director may issue a written direction to an employer, contractor, owner or supplier requiring the employer, contractor, owner or supplier:

(a) to have, at the employer's, contractor's, owner's or supplier's own expense, a person with the qualifications that the director may specify in the direction conduct those tests or examinations that the director may require in the direction; and

(b) to provide the director with a written report by the qualified person mentioned in clause (a) setting out the results of those tests or examinations.

(2) No employer, contractor, owner or supplier shall fail to comply with a written direction issued to the employer, contractor, owner or supplier pursuant to this section.

2013, c.S-15.1, s.3-65.

Requirement to perform tests or examinations

3-66(1) If the director of occupational health and safety is of the opinion that the health and safety of a worker may be at risk from a biological substance or chemical substance at work, the director may issue a written direction to an employer or owner requiring the employer or owner:

(a) to have, at the employer's or owner's own expense, a person with the qualifications that the director may specify in the direction conduct those tests or examinations that the director may require in the direction; and

(b) to provide the director with a written report by the qualified person mentioned in clause (a) setting out the results of those tests or examinations.

(2) No employer or owner shall fail to comply with a written direction issued to the employer or owner pursuant to this section.

2013, c.S-15.1, s.3-66.

Inquiry

3-67(1) Subject to subsection (2), an occupational health officer may require any person who the occupational health officer has reasonable cause to believe possesses any information respecting a work related fatality, serious injury or allegation of harassment to attend an interview and provide full and correct answers to any questions that the occupational health officer believes it necessary to ask.

(2) An interview held pursuant to subsection (1) is to be held in the absence of persons other than:

(a) subject to subsection (3), a person nominated to be present by the person being interviewed; and

(b) any other persons whom the occupational health officer may allow to be present.

(3) An occupational health officer may exclude a person nominated pursuant to clause (2)(a) or (4)(b) if, in the opinion of the occupational health officer, it would be fair and reasonable under the circumstances to do so.

(4) If an occupational health officer excludes a person pursuant to subsection (3), the officer is required to:

(a) inform the person being interviewed of the person's right to nominate another person; and

(b) allow the person being interviewed to nominate another person to be present.

(5) No person shall fail to comply with a requirement imposed on the person pursuant to this section.

2013, c.S-15.1, s.3-67; 2023, c 40, s.18.

Investigations

3-68(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an occupational health officer may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle named in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;

(e) remove, for the purpose of making copies, any records examined pursuant to this section;

(f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and

(h) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.

(3) Subject to subsection (4) an occupational health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) An occupational health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.3-68.

DIVISION 11
Councils, Workers' Compensation Board and Director's Decisions

Occupational Health and Safety Council

3-69(1) The Occupational Health and Safety Council is continued.

(2) The Occupational Health and Safety Council consists of a maximum of nine members, including:

(a) a chairperson appointed by the Lieutenant Governor in Council; and

(b) an even number of members appointed by the Lieutenant Governor in Council, half of whom represent workers and half of whom represent employers.

(3) The minister shall:

(a) from a list of nominees provided to the minister by labour organizations, recommend persons for appointment as members who represent workers; and

(b) from a list of nominees provided to the minister by employer associations, recommend persons for appointment as members who represent employers.

(4) Members of the Occupational Health and Safety Council:

(a) hold office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(5) A majority of the members of the Occupational Health and Safety Council constitute a quorum if at least two members who represent workers and two members who represent employers are present.

2013, c.S-15.1, s.3-69.

Duties of Occupational Health and Safety Council

3-70(1) The Occupational Health and Safety Council is to meet at the call of the minister or the chairperson, but, in any case, must meet at least once in each year.

(2) The Occupational Health and Safety Council shall:

(a) consider the following matters:

(i) occupational health and safety generally and the protection of workers and self-employed persons;

(ii) the appointment of advisory committees by the minister to assist in the administration of this Part;

(iii) any matter relating to occupational health and safety on which the minister seeks the opinion of the Occupational Health and Safety Council; and

(b) give advice or make recommendations to the minister on any matter mentioned in this subsection.

(3) **Repealed.** 2023, c 40, s.19.

2013, c.S-15.1, s.3-70; 2023, c 40, s.19.

Farm Health and Safety Council

3-71(1) The Farm Health and Safety Council is continued.

(2) The Farm Health and Safety Council consists of:

(a) a chairperson appointed by the Lieutenant Governor in Council; and

(b) not more than eight other members appointed by the Lieutenant Governor in Council.

(3) A majority of the members of the Farm Health and Safety Council are to be persons who operate or work on a farm.

(4) Each person appointed pursuant to subsection (2) is to be a person who:

(a) is associated with farming; and

(b) in the opinion of the Lieutenant Governor in Council, possesses particular knowledge and experience that would assist the Farm Health and Safety Council in advising on matters related to:

(i) the promotion of the health or safety of persons on farms; or

(ii) the protection of persons on farms.

(5) Members of the Farm Health and Safety Council:

(a) hold office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(6) A majority of the members of the Farm Health and Safety Council constitute a quorum if:

(a) at least half of that majority consists of members who operate or work on a farm; and

(b) at least two members who do not operate or work on a farm are present.

2013, c.S-15.1, s.3-71.

Duties of Farm Health and Safety Council

3-72(1) The Farm Health and Safety Council is to meet at the call of the minister or the chairperson, but, in any case, must meet at least once in each year.

(2) The Farm Health and Safety Council shall:

(a) consider the following matters:

(i) the promotion of the health or safety of persons on farms and the protection of persons on farms;

(ii) any matter relating to the health or safety of persons on farms or the protection of persons on farms on which the minister seeks the opinion of the Farm Health and Safety Council; and

(b) give advice or make recommendations to the minister on any matter mentioned in this subsection.

2013, c.S-15.1, s.3-72.

Certain matters re councils and administration of this Part

3-73(1) The minister may:

(a) approve, with or without modification, any recommendation made to the minister by the Occupational Health and Safety Council pursuant to section 3-70 or by the Farm Health and Safety Council pursuant to section 3-72;

(b) call a meeting of the Occupational Health and Safety Council pursuant to section 3-70 or the Farm Health and Safety Council pursuant to section 3-72;

(c) appoint advisory committees or consultants from among persons who are professionally or technically qualified to advise the minister or to assist in the administration of this Part and the regulations made pursuant to this Part;

(d) direct the director of occupational health and safety or the chief occupational medical officer, or authorize any other person, to investigate and make a special report to the minister on any matter concerning occupational health and safety; and

(e) appoint a person to conduct a public or private inquiry into any matter concerning occupational health and safety.

(2) Members of the Occupational Health and Safety Council and the Farm Health and Safety Council, members of advisory committees appointed pursuant to subsection (1), consultants and investigators appointed pursuant to subsection (1) and persons carrying out medical examinations pursuant to section 3-59 and making medical reports pursuant to section 3-62 are entitled to the following:

(a) except for those persons who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the Lieutenant Governor in Council;

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

(3) Persons appointed by the minister pursuant to clause (1)(e) have all the powers of commissioners pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

2013, c.S-15.1, s.3-73; 2014, c.27, s.5.

Costs of administration of this Part

3-74(1) On or before June 30 in each year, the minister shall advise the Workers' Compensation Board of the estimated cost for that calendar year of the administration of this Part and the regulations made pursuant to this Part.

(2) On being advised of the estimated cost for a calendar year pursuant to subsection (1), the Workers' Compensation Board shall, on or before January 31 of the following year, pay into the general revenue fund with respect to those costs the sum that the minister may direct, not exceeding the actual costs of the administration of this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-74.

Forwarding information to Workers' Compensation Board

3-75(1) Subject to subsection (2) and to the regulations made pursuant to this Part, the director of occupational health and safety may forward to the Workers' Compensation Board any information respecting the occupational health and safety practices of an employer or any category of employers that the director considers appropriate for the purpose of improving occupational health and safety.

(2) Not less than 10 business days before information is forwarded to the Workers' Compensation Board, the director of occupational health and safety shall send to an employer who is the subject of the information a copy of the information being forwarded that has not been previously provided to the employer.

2013, c.S-15.1, s.3-75; 2023, c 40, s.20.

Director's decisions to be posted

3-76(1) The director of occupational health and safety shall cause the following documents to be posted in at least two conspicuous locations at the place of employment of every worker or self-employed person who is or may be directly affected by the exemption, decision or stay of a decision:

(a) a notice of any exemption granted by the director pursuant to subsection 3-17(2) or section 3-85;

(b) a copy of any decision of the director and the written reasons for the decision provided pursuant to subsection 3-53(8);

(c) notice of any stay by the director or an adjudicator of all or any portion of a decision pursuant to section 3-57.

(2) No person shall remove, alter, damage or deface any notice or other document posted pursuant to subsection (1) without the prior authorization of an occupational health officer or the director of occupational health and safety.

2013, c.S-15.1, s.3-76.

Promptness of decisions

3-77 A decision that is required to be made pursuant to this Part or the regulations made pursuant to this Part by an occupational health officer or the director of occupational health and safety must be made as soon as is reasonably possible.

2013, c.S-15.1, s.3-77.

DIVISION 12
Offences and Penalties

Offences

3-78 No person shall:

(a) fail to comply with any term or condition imposed on that person by a notice of contravention;

(b) intentionally obstruct the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;

(c) fail to reasonably cooperate with the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;

(d) make or cause to be made a false entry in any register, book, notice or other document to be kept by the person pursuant to this Part or the regulations made pursuant to this Part, or delete or destroy any true or proper entry in any of those documents;

(e) take discriminatory action against a worker contrary to section 3-35;

(f) fail to comply with an order, decision or direction made pursuant to this Part or the regulations made pursuant to this Part; or

(g) fail to comply with any provision of this Part or any provision of the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-78.

Penalties

3-79(1) Subject to subsection (2), every person who is guilty of an offence mentioned in clause 3-78(b), (d) or (f) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding $4,000.

(2) Every person who is guilty of an offence mentioned in clause 3-78(f) because of a failure by the person to comply with a decision or order of the director of occupational health and safety pursuant to section 3-53 or with a decision or order of an adjudicator is liable on summary conviction, in addition to any other fine or penalty imposed pursuant to this Act:

(a) to a fine not exceeding $10,000; and

(b) to a further fine not exceeding $1,000 for each day or portion of a day during which the offence continues.

(3) Every person who is guilty of an offence mentioned in clause 3-78(a), (e) or (g) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (4).

(4) A person who is convicted of an offence mentioned in subsection (3) is liable:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $20,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $20,000; and

(B) to a further fine not exceeding $2,000 for each day or portion of a day during which the offence continues;

(b) for a second or subsequent offence:

(i) that is a single, isolated offence, to a fine not exceeding $40,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $40,000; and

(B) to a further fine not exceeding $4,000 for each day or portion of a day during which the offence continues.

(5) Every person who is guilty of an offence mentioned in section 3-78 that does not cause but is likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (6).

(6) A person who is convicted of an offence mentioned in subsection (5) is liable:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $100,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $100,000; and

(B) to a further fine not exceeding $10,000 for each day or portion of a day during which the offence continues;

(b) for a second or subsequent offence:

(i) that is a single, isolated offence, to a fine not exceeding $200,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $200,000; and

(B) to a further fine not exceeding $20,000 for each day or portion of a day during which the offence continues.

(7) Subject to subsection (9), every person who is guilty of an offence mentioned in section 3-78 that causes the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding $500,000.

(8) If an individual is convicted of an offence mentioned in subsection (7), the convicting judge may, in addition to imposing a fine, order that the convicted individual be imprisoned for a term not exceeding two years.

(9) If a corporation is convicted of an offence mentioned in subsection (7), the convicting judge may order that the convicted corporation pay a fine not exceeding $1,500,000 if the convicting judge is satisfied that it is appropriate to do so having regard to:

(a) the need to achieve general deterrence;

(b) the number of previous convictions imposed on the convicted corporation;

(c) the number of previous notices of contraventions issued to, and the number of previous compliance undertakings entered into by, the convicted corporation; and

(d) the degree of responsibility of the convicted corporation, including considering the number of employees employed by the convicted corporation.

2013, c.S-15.1, s.3-79.

Onus on accused re duty or requirement

3-80 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part respecting a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, the onus is on the accused to prove, as the case may be, that:

(a) it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement; or

(b) there was no better practicable means than was actually used to satisfy the duty or requirement.

2013, c.S-15.1, s.3-80.

Onus on accused re training of workers

3-81 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part consisting of a failure to comply with a duty or requirement related to the training of workers, the onus is on the accused to prove that the training provided met the requirements of this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-81.

Limitation on prosecution

3-82 No prosecution with respect to an alleged offence pursuant to this Part or to the regulations made pursuant to this Part is to be commenced after two years from the day of the commission of the alleged offence.

2013, c.S-15.1, s.3-82.

DIVISION 13
Regulations and Codes of Practice

Regulations for Part

3-83(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the standards to be established and maintained by specified persons for the protection of the health and safety of workers and self-employed persons at any place of employment;

(b) prescribing the contents of occupational health and safety programs;

(c) for the purposes of clause 3-1(1)(gg), prescribing categories of persons as workers;

(d) prescribing measures that employers must take to carry out their duties pursuant to section 3-8;

(e) for the purposes of section 3-13:

(i) prescribing the circumstances in which a prime contractor must be appointed;

(ii) prescribing the manner in which a prime contractor must be determined; and

(iii) prescribing the activities to be carried out by a prime contractor;

(f) for the purposes of clause 3-15(b):

(i) prescribing circumstances when a supplier must act in accordance with that clause; and

(ii) prescribing standards that equipment must be in compliance with;

(g) for the purposes of section 3-21, prescribing provisions that must be included in a policy statement and prevention plan;

(g.1) for the purposes of section 3-21.1, prescribing provisions that must be included in a policy statement;

(h) for the purposes of section 3-23, respecting the establishment of additional occupational health committees and governing the powers of the director of occupational health and safety in ordering the establishment of additional occupational health committees;

(h.01) for the purposes of section 3-43, prescribing information that must be included in a written report;

(h.1) for the purposes of clause 3-47(g), defining data safety sheet;

(h.2) for the purposes of section 3-48, prescribing exemptions;

(h.3) for the purposes of clause 3-48(a), prescribing standards;

(h.4) for the purposes of clause 3-48(b), prescribing the manner in which biological substances and chemical substances must be stored, handled and disposed of;

(h.5) for the purposes of clause 3-48(c), prescribing the manner in which biological substances and chemical substances must be identified;

(h.6) for the purposes of clause 3-48(d), prescribing information that must be applied and prescribing pictograms and prescribing the manner in which pictograms must be displayed;

(h.7) for the purposes of clause 3-48(e), prescribing the extent to which and the manner in which safety data sheets are made available and other information respecting a hazardous product that is to be disclosed in a safety data sheet;

(i) for the purposes of subsection 3-52(2):

(i) prescribing persons or categories of persons as persons directly affected by a decision of an occupational health officer; and

(ii) prescribing persons or categories of person who are not persons directly affected by a decision of an occupational health officer;

(j) regulating or prohibiting the manufacture, supply, storage, keeping or use of any biological substance or chemical substance or any plant and the carrying on of any process, procedure or undertaking;

(k) if necessary to ensure the health and safety of workers and self-employed persons, imposing requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, demolition, testing, inspection or use of any plant;

(l) imposing requirements with respect to the marking of any plant or any articles or equipment used or made at any plant and regulating or restricting the use of specified markings;

(m) imposing requirements with respect to the testing or examination of any substance produced, used, stored or otherwise found at a place of employment;

(n) imposing requirements with respect to the labelling of, and disclosure of information respecting, any substance produced, used, stored or otherwise found at a place of employment;

(o) if necessary to ensure the health and safety of workers, regulating the employment of or requiring the provision of alternative work for:

(i) any worker sensitized to any biological substance or chemical substance in the place of employment;

(ii) any pregnant worker; or

(iii) any other person;

(p) if necessary to ensure the health and safety of workers and self-employed persons, restricting the performance of specified functions to persons possessing specified qualifications or experience;

(q) requiring the making of arrangements to promote the health of workers, including arrangements for medical examinations and health surveys;

(r) requiring the registration of workers exposed to contaminants at a place of employment;

(s) requiring the making of arrangements to:

(i) monitor the atmospheric or other conditions in which persons work;

(ii) determine and record the exposure of workers to biological substances or chemical substances, processes or physical agents at the place of employment; or

(iii) provide for the registration of workers exposed to any biological substance or chemical substance, process or physical agent at the place of employment;

(t) respecting and governing any matter affecting the conditions in which persons work, including:

(i) the structural condition and stability of places of employment;

(ii) the means of access to and exit from places of employment;

(iii) the cleanliness, temperature, lighting, ventilation, adequacy of work space, noise levels and vibrations at places of employment; and

(iv) the existence of dust and fumes at places of employment;

(u) respecting the provision of vaccinations against diseases associated with any occupation or category of occupations to any worker or worker in a category of workers who chooses to receive the vaccination;

(v) providing for minimum standards of certain welfare facilities for workers, including an adequate water supply, sanitary and washing facilities, transportation and first-aid arrangements for sick or injured workers, cloakroom accommodation, sitting facilities and lunchroom facilities;

(w) imposing requirements with respect to the provision and use in specified circumstances of protective clothing or equipment, including clothing affording protection against the hazards of work and against unusual exposure to the weather;

(x) imposing requirements with respect to the instruction, training and supervision of workers;

(y) respecting smoking or the prohibition of smoking in any place of employment, including the designation of the areas in which smoking will be permitted at a place of employment;

(z) requiring reports to be made to the director of occupational health and safety;

(aa) prescribing the contents of any report to be made to the minister;

(bb) requiring the posting, provision, availability or distribution of specified information, instructions, notices, documents, signs or posters;

(cc) prescribing any information, instructions, notices, documents, signs or posters that are to be posted, provided, made available or distributed pursuant to any provision of this Part;

(dd) imposing requirements with respect to the keeping, preservation and submission of records and other documents necessary for the administration of this Part, including:

(i) the specifications, plans and maps of any plant, process or procedure;

(ii) any document containing a description of the composition of any substance;

(iii) records of any atmospheric condition in a plant; and

(iv) records of worker exposure to a biological substance or chemical substance, process or physical agent at a place of employment;

(ee) requiring prompt notification of specified kinds of occupational injuries, illnesses and dangerous occurrences and prescribing actions to be taken or not to be taken to facilitate inquiry into and prevention of recurrences of those injuries, illnesses and dangerous occurrences and prescribing to whom notice must be given;

(ff) specifying conditions under which potentially hazardous work may be performed;

(gg) requiring notice to the director of occupational health and safety respecting any person, premises or thing employed or used in specified hazardous activities as a condition of initiating or carrying on any of those activities;

(hh) requiring the establishment of one or more occupational health committees by one or more employers, contractors or owners with respect to workers, work activities or places of employment;

(ii) imposing duties on any person required to establish an occupational health committee with respect to the selection of members, the duties and responsibilities or the operation of the occupational health committee;

(jj) respecting the composition, duties and functions of occupational health committees, the duties and functions of occupational health and safety representatives and the participation of workers in inspections, investigations and related matters;

(kk) respecting the safety of any transportation provided by any prescribed person for use by workers;

(ll) establishing and imposing requirements for any place of employment according to the type of activities carried on, the number of workers, the degree of hazard to the health and safety of workers and other persons, or the frequency and seriousness of accidents and occupational diseases at the place of employment;

(mm) prescribing places of employment or categories of places of employment at which an employer is required to develop and implement a policy statement with respect to potentially violent situations and prescribing provisions that must be incorporated in the policy statement;

(nn) respecting or prescribing the conditions under which a licence, certificate or permit may be issued, suspended or cancelled;

(oo) respecting the forwarding of information to the Workers' Compensation Board by the director of occupational health and safety pursuant to section 3-75;

(pp) prescribing additional powers of the chief mines inspector;

(qq) for the purposes of section 3-64:

(i) prescribing the circumstances in which an employer must compile, post and provide statistics;

(ii) prescribing the manner in which statistics must be compiled; and

(iii) prescribing the matters to be included in the compilation of statistics;

(rr) prescribing or governing any other matter or thing required or authorized by this Part to be prescribed or governed in the regulations;

(ss) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

(2) Any regulation made pursuant to this section may be made to apply:

(a) to all persons, to one or more persons or to one or more categories of persons; or

(b) to all places of employment or worksites, to one or more places of employment or worksites or to categories of places of employment or worksites.

(3) **Repealed.** 2023, c 40, s.21.

(4) **Repealed.** 2023, c 40, s.21.

2013, c.S-15.1, s.3-83; 2015, c.31, s.4; 2023, c 40, s.21.

Codes of practice

3-84(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the director of occupational health and safety may, after any consultation with interested persons or associations that the director considers advisable:

(a) issue codes of practice; and

(b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the director of occupational health and safety shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the director of occupational health and safety has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the director of occupational health and safety is admissible in evidence in any court without proof of the signature, appointment or authority of the director.

2013, c.S-15.1, s.3-84.

Exemptions

3-85(1) In order to meet the special circumstances in a particular case, the director of occupational health and safety may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or category of persons from any provision of the regulations made pursuant to this Part or a code of practice.

(2) An exemption pursuant to subsection (1) is to be made only if the director of occupational health and safety is satisfied that the standard of health and safety of any worker is not materially affected by the exemption.

2013, c.S-15.1, s.3-85.

DIVISION 14
Transitional

Transitional

3-86(1) In this section, **"former Act"** means *The Occupational Health and Safety Act, 1993* as that Act existed on the day before the coming into force of this section.

(2) All notices of contravention that were issued and compliance undertakings that were entered into by an employer pursuant to the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued or entered into pursuant to this Part.

(3) All codes of practice that were issued by the director of occupational health and safety pursuant to section 45 of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(4) All designations, orders, exemptions and approvals granted by the director of occupational health and safety pursuant to the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been granted pursuant to this Part.

(5) The members of the Occupational Health and Safety Council and the members of the Farm Health and Safety Council immediately before the coming into force of this section are continued as members of the respective councils until new appointments are made pursuant to this Part.

2013, c.S-15.1, s.3-86.

PART IV
Appeals and Hearings re Parts II, III and V

Adjudicators

4-1(1) After any consultation by the minister with labour organizations and employer associations that the minister considers appropriate, the Lieutenant Governor in Council may appoint as adjudicators for the purpose of hearing appeals or conducting hearings pursuant to Parts II, III and V one or more individuals who possess the prescribed qualifications.

(2) An adjudicator appointed pursuant to subsection (1):

(a) holds office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(3) If the term of an adjudicator expires after the adjudicator has begun hearing a matter but before the hearing is completed, the adjudicator may continue with the hearing as if his or her term had not expired, and the decision is effective as though he or she still held office.

(4) Adjudicators are to be paid:

(a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

2013, c.S-15.1, s.4-1; 2020, c 12, s.8.

Adjudicator's duties

4-2 An adjudicator shall:

(a) hear and decide appeals pursuant to Part II and conduct hearings pursuant to Division 5 of Part II;

(b) hear and decide appeals pursuant to Division 8 of Part III;

(c) hear and decide any appeals pursuant to Division 6 of Part V; and

(d) carry out any other prescribed duties.

2020, c 12, s.9.

Selection of adjudicator

4-3(1) In this section and sections 4-4 and 4-7, **"registrar"** means an employee of the ministry who is designated as the registrar by the chairperson of the board.

(2) The director of employment standards and the director of occupational health and safety shall inform the board of an appeal or hearing to be heard by an adjudicator.

(3) On being informed of an appeal or hearing pursuant to subsection (2) and in accordance with any regulations made pursuant to this Part, the registrar shall select an adjudicator.

2016 c 17 s 5; 2020, c 12, s.10.

Procedures on appeals

4-4(1) After selecting an adjudicator pursuant to section 4-3 and in accordance with any regulations made pursuant to this Part, the registrar shall:

(a) in consultation with the adjudicator and the parties, set a time, day and place for the hearing of the appeal or the hearing; and

(b) give written notice of the time, day and place for the appeal or the hearing to:

(i) in the case of an appeal or hearing pursuant to Part II:

(A) the director of employment standards;

(B) the employer;

(C) each employee listed in the wage assessment or hearing notice; and

(D) if a claim is made against any corporate directors, those corporate directors;

(ii) in the case of an appeal or hearing pursuant to Part III:

(A) the director of occupational health and safety; and

(B) all persons who are directly affected by the decision being appealed; and

(iii) in the case of an appeal or hearing pursuant to Part V:

(A) the director of occupational health and safety; and

(B) all persons who are directly affected by the decision being appealed.

(2) Subject to the regulations, an adjudicator may determine the procedures by which the appeal or hearing is to be conducted.

(3) An adjudicator is not bound by the rules of law concerning evidence and may accept any evidence that the adjudicator considers appropriate.

(4) An adjudicator may determine any question of fact that is necessary to the adjudicator's jurisdiction.

(5) A technical irregularity does not invalidate a proceeding before or by an adjudicator.

(6) Notwithstanding that a person who is directly affected by an appeal or a hearing is neither present nor represented, if notice of the appeal or hearing has been given to the person pursuant to subsection (1), the adjudicator may proceed with the appeal or the hearing and make any decision as if that person were present.

(7) *The Arbitration Act, 1992* does not apply to adjudications conducted pursuant to this Part.

2013, c.S-15.1, s.4-4; 2016 c17 s6; 2020, c12, s.11.

Powers of adjudicator

4-5(1) In conducting an appeal or a hearing pursuant to this Part, an adjudicator has the following powers:

(a) to require any party to provide particulars before or during an appeal or a hearing;

(b) to require any party to produce documents or things that may be relevant to a matter before the adjudicator and to do so before or during an appeal or a hearing;

(c) to do all or any of the following to the same extent as those powers are vested in the Court of King's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise;

(iii) to compel witnesses to produce documents or things;

(d) to administer oaths and affirmations;

(e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the adjudicator considers appropriate, whether admissible in a court of law or not;

(f) to conduct any appeal or hearing using a means of telecommunications that permits the parties and the adjudicator to communicate with each other simultaneously;

(g) to adjourn or postpone the appeal or hearing.

(2) With respect to an appeal pursuant to section 3-54 respecting a matter involving harassment or a discriminatory action, the adjudicator:

(a) shall make every effort that the adjudicator considers reasonable to meet with the parties affected by the decision of the occupational health officer that is being appealed with a view to encouraging a settlement of the matter that is the subject of the occupational health officer's decision; and

(b) with the agreement of the parties, may use mediation or other procedures to encourage a settlement of the matter mentioned in clause (a) at any time before or during a hearing pursuant to this section.

2013, c.S-15.1, s.4-5; 2024, c4, s.32.

Decision of adjudicator

4-6(1) Subject to subsections (4) and (5), the adjudicator shall:

(a) do one of the following:

(i) dismiss the appeal;

(ii) allow the appeal;

(iii) vary the decision being appealed; and

(b) provide written reasons for the decision to the board, the director of employment standards or the director of occupational health and safety, as the case may be, and any other party to the appeal.

(2) **Repealed.** 2020, c 12, s.12.

(3) **Repealed.** 2020, c 12, s.12.

(4) If, after conducting a hearing concerned with section 2-21, the adjudicator concludes that the employer has breached section 2-21, the adjudicator may exercise the powers given to the Court of King's Bench pursuant to sections 38 to 41 of *The Saskatchewan Human Rights Code, 2018* and those sections apply, with any necessary modification, to the adjudicator and the hearing.

(5) If, after conducting a hearing concerned with section 2-42, the adjudicator concludes that the employer has breached section 2-42, the adjudicator may issue an order requiring the employer to do any or all of the following:

(a) to comply with section 2-42;

(b) to pay any wages that the employee has lost as a result of the employer's failure to comply with section 2-42;

(c) to restore the employee to his or her former position;

(d) to post the order in the workplace;

(e) to do any other thing that the adjudicator considers reasonable and necessary in the circumstances.

2013, c.S-15.1, s.4-6; 2018, c35, s.2; 2020, c12, s.12; 2024, c4, s.32.

Written decisions

4-7(1) Subject to the regulations, an adjudicator shall provide the written reasons for the decision required pursuant to clause 4-6(1)(b) within the following periods:

(a) with respect to an appeal or hearing pursuant to Part II, 60 days after the date on which the hearing of the appeal or the hearing is completed;

(b) with respect to an appeal pursuant to Part III:

(i) subject to subclause (ii), 60 days after the date on which the hearing of the appeal is completed; and

(ii) with respect to an appeal pursuant to section 3-54, the earlier of:

(A) one year after the date on which the adjudicator was selected; and

(B) 60 days after the date on which the hearing of the appeal is completed;

(c) with respect to an appeal pursuant to Part V, 60 days after the date on which the hearing of the appeal is completed.

(2) If the deadline in subsection (1) has not been met, any of the following may apply to the board for an order directing the adjudicator to provide the adjudicator's decision:

(a) any party to a proceeding before an adjudicator;

(b) the director of employment standards or director of occupational health and safety, as the case may be.

(3) On an application made pursuant to subsection (2), the board may do all or any of the following:

(a) direct the adjudicator to provide the decision;

(b) establish the period within which the decision is to be provided;

(c) set aside the adjudicator's selection and direct the registrar to select another adjudicator to hear the appeal;

(d) make any other order the board considers appropriate.

(4) A failure by an adjudicator to comply with subsection (1) or with an order made pursuant to subsection (3) does not affect the validity of a decision.

(5) As soon as is reasonably possible after receiving a decision, the board shall serve the decision on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

(6) This section applies to all appeals or hearings that:

(a) were commenced before the coming into force of this section and for which written reasons have still to be provided on or after the coming into force of this section; or

(b) are commenced on or after the coming into force of this section.

2020, c 12, s.13.

Right to appeal adjudicator's decision to board

4-8(1) An employer, employee or corporate director who is directly affected by a decision of an adjudicator on an appeal or hearing pursuant to Part II may appeal the decision to the board on a question of law.

(2) A person who is directly affected by a decision of an adjudicator on an appeal pursuant to Part III or Part V may appeal the decision to the board on a question of law.

(3) A person who intends to appeal pursuant to this section shall:

(a) file a notice of appeal with the board within 15 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all parties to the appeal.

(4) The record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(b.1) in the case of an appeal pursuant to Part V, any written decision of a radiation health officer or the director of occupational health and safety, respecting the matter that is the subject of the appeal;

(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III or Part V, as the case may be;

(d) any exhibits filed before the adjudicator;

(e) the written decision of the adjudicator;

(f) the notice of appeal to the board;

(g) any other material that the board may require to properly consider the appeal.

(5) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order being appealed unless the board orders otherwise.

(6) The board may:

(a) affirm, amend or cancel the decision or order of the adjudicator; or

(b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board considers appropriate.

2013, c.S-15.1, s.4-8; 2020, c 12, s.14.

Appeal to Court of Appeal

4-9(1) With leave of a judge of the Court of Appeal, an appeal may be made to the Court of Appeal from a decision of the board pursuant to section 4-8 on a question of law.

(2) A person, including the director of employment standards or the director of occupational health and safety, intending to make an appeal to the Court of Appeal shall apply for leave to appeal within 15 business days after the date of service of the decision of the board.

(3) Unless a judge of the Court of Appeal orders otherwise, an appeal to the Court of Appeal does not stay the effect of the decision being appealed.

2013, c.S-15.1, s.4-9.

Right of director to appeal

4-10(1) The director of employment standards and the director of occupational health and safety have the right:

(a) to appear and make representations on:

(i) any appeal or hearing heard by an adjudicator; and

(ii) any appeal of an adjudicator's decision before the board or the Court of Appeal; and

(b) to appeal any decision of an adjudicator on a question of law or a question of mixed law and fact; and

(c) to appeal any decision of the board on a question of law.

(2) If the director of employment standards or director of occupational health and safety intends to appeal to the board pursuant to this section, that director shall:

(a) file a notice of appeal with the board within 30 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all parties to the appeal.

(3) The record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) in the case of an appeal pursuant to Part V, any written decision of a radiation health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(d) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III or V, as the case may be;

(e) any exhibits filed before the adjudicator;

(f) the written decision of the adjudicator;

(g) the notice of appeal to the board;

(h) any other material that the board may require to properly consider the appeal.

(4) The commencement of an appeal to the board does not stay the effect of the decision or order being appealed unless the board orders otherwise.

(5) On an appeal, the board may:

(a) affirm, amend or cancel the decision or order of the adjudicator; or

(b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board considers appropriate.

2020, c 12, s.15.

Power to enforce orders and decisions

4-11(1) An order of an adjudicator, the board or the Court of Appeal pursuant to this Part may be enforced in the manner authorized by this Act.

(2) An order of an adjudicator or the board may be filed in the office of a local registrar of the Court of King's Bench and enforced as a judgment of that court.

2013, c.S-15.1, s.4-11; 2024, c4, s.32.

Regulations for Part

4-12(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the duties of an adjudicator pursuant to clause 4-2(d);

(b) for the purposes of section 4-4, prescribing procedures for an appeal or hearing;

(c) for the purposes of section 4-7:

(i) respecting the decision of the adjudicator; and

(ii) prescribing procedures for service of the adjudicator's decision;

(d) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations; and

(e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

(2) If there is any conflict between the regulations made pursuant to this Part and any other provision of this Act or any other Act, regulations or law, the regulations made pursuant to this Part prevail.

2016 c 17 s8; 2020, c12, s.16.

PART V
Radiation Health and Safety

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

5-1 In this Part:

(a) **"associated apparatus"** means any piece of diagnostic or therapeutic equipment using or associated with radiation that might be a mechanical or electrical hazard to any person;

(b) **"committee"** means the Radiation Health and Safety Committee continued pursuant to section 5-36;

(c) **"compliance undertaking"** means a compliance undertaking entered into pursuant to section 5-15;

(d) **"director of occupational health and safety"** means the director of occupational health and safety appointed pursuant to Part III;

(e) **"ionizing radiation"** means any atomic or subatomic particle or electromagnetic wave emitted or produced directly or indirectly by a machine or radioactive isotope and having sufficient kinetic or quantum energy to produce ionization;

(f) **"ionizing radiation equipment"** means a device capable of emitting ionizing radiation, but does not include:

(i) equipment operated at less than 15 kilovolts and not designed principally to produce useful radiation;

(ii) equipment that:

(A) is in storage, in transit or not being used; or

(B) is operated in a manner such that it cannot produce radiation;

(iii) any radioactive substance; or

(iv) any other prescribed equipment or category of equipment;

(g) **"ionizing radiation installation"** means the whole or any part of a building or other place in which ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that ionizing radiation equipment;

(h) **"non-ionizing radiation"** includes energy in the form of:

(i) electromagnetic waves in the frequency range below that for which ionization occurs; or

(ii) ultrasonic waves having frequencies greater than 10,000 hertz;

(i) **"non-ionizing radiation equipment"** means any equipment that is capable of emitting non-ionizing radiation;

(j) **"non-ionizing radiation installation"** means the whole or any part of a building or other place in which non-ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that non-ionizing radiation equipment;

(k) **"notice of contravention"** means a notice of contravention served pursuant to section 5-15;

(l) **"occupational health and safety representative"** means an occupational health and safety representative as defined in Part III;

(m) **"occupational health committee"** means an occupational health committee as defined in Part III;

(n) **"operator"** means a person who uses or controls the use of any radiation equipment;

(o) **"owner"** means, subject to sections 5-5 and 5-9, a person having management and control of a radiation installation, radiation equipment or a radiation installation and radiation equipment;

(p) **"place of employment"** means a place of employment as defined in Part III;

(q) **"purchaser"** includes a lessee;

(r) **"radiation"** includes ionizing radiation and non-ionizing radiation;

(s) **"radiation equipment"** includes ionizing radiation equipment and non-ionizing radiation equipment;

(t) **"radiation health officer"** means a radiation health officer appointed pursuant to section 5-27;

(u) **"radiation installation"** includes ionizing radiation installations and non-ionizing radiation installations;

(v) **"radiation worker"** means a person who, in the course of the person's employment duties, business, professional activities, studies or training:

(i) is exposed to radiation; and

(ii) if exposure limits, exposure levels or dose limits are specified for members of the public, might receive radiation exposure in excess of those limits or levels;

(w) **"safety measures"** means measures designed for the purposes of safety in connection with the design and use of radiation installations, radiation equipment and associated apparatus;

(x) **"use"** includes construct, demonstrate, test, operate, handle, repair, service and maintain;

(y) **"vendor"** means a person who sells or leases or offers for sale or lease any radiation equipment or associated apparatus;

(z) **"worker"** means a worker as defined in Part III;

(aa) **"worksite"** means a worksite as defined in Part III.

2020, c 12, s.17.

Responsibilities of minister re Part

5-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to radiation health and safety and to advancing and improving radiation health and safety in Saskatchewan.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting radiation health and safety;

(b) promote or conduct studies and research projects in connection with issues related to radiation health and safety;

(c) encourage or conduct educational programs, including seminars and courses of training, for promoting radiation health and safety;

(d) provide consulting services with respect to matters governed by this Part and the regulations made pursuant to this Part; and

(e) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2020, c 12, s.17.

DIVISION 2
Ionizing Radiation

Establishment and alteration of ionizing radiation installation, installation of ionizing radiation equipment

5-3(1) In this section and sections 5-4 and 5-7, **"substantial alteration"** includes:

(a) respecting any ionizing radiation equipment that emits a primary beam outside the housing of the equipment, any alteration or change of position that causes the equipment to be capable of emitting a primary beam in any direction other than the direction for which approval was granted when the plans for the installation were approved;

(b) any alteration in the shielding properties of the room or other place in which the ionizing radiation equipment is placed or installed;

(c) any increase in the maximum generating voltage or maximum beam current of ionizing radiation equipment in an installation; and

(d) the placement or installation of any units of ionizing radiation equipment in an ionizing radiation installation in excess of the number of units approved when the plans for the installation were approved.

(2) Unless a plan of the proposed installation or proposed alteration has been approved in writing by a radiation health officer, no person shall:

(a) establish or cause to be established an ionizing radiation installation for any purpose; or

(b) make or cause to be made any substantial alteration in any ionizing radiation installation.

(3) Subsection (2) does not apply to any prescribed ionizing radiation installation or prescribed substantial alteration.

(4) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (2) until the radiation health officer is satisfied that the ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

(5) No person shall use any mobile ionizing radiation equipment in any location other than one approved by a radiation health officer.

2020, c 12, s.17.

Statements required re ionizing radiation installations and equipment

5-4(1) Subject to subsection (2), within 25 business days after the day on which any ionizing radiation installation or ionizing radiation equipment comes under an owner's control or is substantially altered, the owner shall provide the minister with a statement setting out particulars of that installation, equipment or alteration, as the case may be.

(2) Every owner of any mobile ionizing radiation equipment shall:

(a) provide the minister with the statement mentioned in subsection (1) within the prescribed period; and

(b) if required by the minister to do so, provide the minister with an itinerary for the equipment containing any particulars that may be required by the minister within the prescribed period.

(3) On or before January 31 in each year, every owner shall provide the minister with a statement setting out particulars of all ionizing radiation installations and ionizing radiation equipment under the owner's control.

2020, c 12, s.17.

Manufacture and use of ionizing radiation equipment and associated apparatus

5-5(1) In this section, **"owner"** includes:

(a) a vendor until the vendor relinquishes control of ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and

(b) any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus.

(2) The owner of any ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner such that:

(i) no person will be unnecessarily exposed to ionizing radiation from that equipment or apparatus; and

(ii) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the prescribed dose limits.

(3) The operator of any ionizing radiation equipment or associated apparatus shall use or control the use of the equipment:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner that satisfies the requirements of clause (2)(b).

2020, c 12, s.17.

Qualifications for management, control or operation

5-6(1) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans unless the person:

(a) is qualified pursuant to an Act to provide persons with care and treatment by means of ionizing radiation equipment; or

(b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that each operator is:

(a) a duly qualified medical practitioner with specialized training in radiography;

(b) a chiropractor who is registered pursuant to *The Chiropractic Act, 1994*;

(c) a dentist, dental assistant, dental hygienist or dental therapist as defined in *The Dental Disciplines Act*;

(d) a medical radiation or imaging professional who is registered pursuant to *The Medical Radiation and Imaging Professionals Act*;

(e) subject to subsection (3), a combined laboratory and x-ray technician or technologist who possesses the qualifications necessary to become a registered, certified, active member in good standing of the Saskatchewan Association of Combined Laboratory and X-ray Technicians; or

(f) subject to subsection (3), a student who is under the direct supervision of a person who possesses the qualifications set out in clause (a), (b), (c), (d) or (e).

(3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that an operator who is:

(a) described in clause (2)(e) performs only examinations that he or she has been formally trained for; or

(b) a student mentioned in clause (2)(f) performs only examinations that are within the scope of the qualifications of the person supervising the student.

(4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person:

(a) is entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*; or

(b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is:

(a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*;

(b) a veterinary technologist within the meaning of *The Veterinarians Act, 1987*; or

(c) a student under the direct supervision of a person who possesses the qualifications set out in clause (a) or (b).

(6) No person shall manage or control an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals unless:

(a) the person:

(i) understands the procedures for which the equipment is to be used; and

(ii) possesses the knowledge necessary to adequately manage or control the installation or equipment and knowledge of the necessary safety procedures; or

(b) the person employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(7) An owner of an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals shall ensure that each operator:

(a) possesses any prescribed qualifications or meets any prescribed requirements; and

(b) is adequately supervised by a person who meets the requirements of clause (6)(a).

(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsection (2), (5) or (7).

2020, c 12, s.17; 2023, c 6, s.24-3.

DIVISION 3
Non-ionizing Radiation

Establishment and alteration of non-ionizing radiation installation

5-7(1) If the regulations made pursuant to this Part require the approval of plans for a non-ionizing radiation installation, no person shall establish or cause to be established a non-ionizing radiation installation or make or cause to be made any substantial alteration in any non-ionizing radiation installation until a plan of the proposed installation or proposed alteration, as the case may be, has been approved in writing by a radiation health officer.

(2) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (1) until the officer is satisfied that the non-ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

2020, c 12, s.17.

Statements required re equipment emitting non-ionizing radiation

5-8(1) Every owner of non-ionizing radiation equipment or a non-ionizing radiation installation shall, if required by the regulations made pursuant to this Part, provide the minister with a statement setting out any prescribed information about that equipment or installation.

(2) Every statement required pursuant to subsection (1) must be provided within the prescribed period.

2020, c 12, s.17.

Manufacture and use of non-ionizing radiation equipment and associated apparatus

5-9(1) In this section, **"owner"** includes:

(a) a vendor until the vendor relinquishes control of non-ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and

(b) any person who alters, repairs, services, maintains or tests non-ionizing radiation equipment or associated apparatus.

(2) The owner of any non-ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner such that the exposure of any person to non-ionizing radiation from that equipment or apparatus is limited in the prescribed manner and to the prescribed amounts.

(3) The operator of any non-ionizing radiation equipment or associated apparatus shall use or control the use of the equipment or apparatus:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner that satisfies the requirements of clause (2)(b).

2020, c 12, s.17.

Qualifications for management, control and use

5-10 No person shall manage or control, or use or control the use of, any non-ionizing radiation equipment or category of non-ionizing radiation equipment unless the person possesses the prescribed qualifications or meets the prescribed requirements.

2020, c 12, s.17.

DIVISION 4
Matters affecting Ionizing and Non-ionizing Radiation

Restrictions on use

5-11 No person shall use a radiation installation, radiation equipment or associated apparatus:

(a) that does not comply with the prescribed standards; or

(b) the use of which has been prohibited by a radiation health officer pursuant to clause 5-17(3)(b).

2020, c 12, s.17.

Information required

5-12(1) If required to do so by the regulations made pursuant to this Part, the vendor of any radiation equipment or associated apparatus shall provide the minister with:

(a) any prescribed information respecting the equipment or apparatus or its use;

(b) the plans of the equipment or apparatus; or

(c) both the information and plans mentioned in clauses (a) and (b).

(2) The information and plans required pursuant to subsection (1) must be provided within the prescribed period.

2020, c 12, s.17.

Incidents or hazards

5-13 If required to do so by the regulations made pursuant to this Part, the vendor, owner or operator of any radiation equipment or associated apparatus shall notify the minister of any incident or hazard involving the equipment or apparatus, in the prescribed manner, within the prescribed period and with any prescribed particulars.

2020, c 12, s.17.

Records

5-14 Every owner of radiation equipment shall:

(a) keep any prescribed records respecting:

(i) the radiation equipment and its use;

(ii) the exposure of radiation workers to radiation; and

(iii) any other matter pertaining to radiation health and safety measures in relation to that equipment and to radiation workers; and

(b) produce the records mentioned in clause (a) on the request of a radiation health officer.

2020, c 12, s.17.

DIVISION 5
Compliance Undertakings and Notices of Contraventions

Compliance undertakings and notices of contravention

5-15(1) A radiation health officer shall act pursuant to subsection (2) if the radiation health officer is of the opinion that a person:

(a) is contravening any provision of this Part or the regulations made pursuant to this Part; or

(b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.

(2) In the circumstances mentioned in subsection (1), the radiation health officer shall:

(a) require the person to enter into a compliance undertaking;

(b) serve a notice of contravention on the person; or

(c) take any other prescribed measure.

(3) For the purposes of subsection (2):

(a) a compliance undertaking must:

(i) be in writing and in the form approved by the director of occupational health and safety;

(ii) contain a description by the radiation health officer of the action to be undertaken by the person; and

(iii) contain the person's signed commitment to:

(A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the radiation health officer in the compliance undertaking; and

(B) provide a progress report in accordance with section 5-19; and

(b) a notice of contravention must:

(i) cite the contravened provision of this Part or of the regulations made pursuant to this Part;

(ii) state the reasons for the radiation health officer's opinion; and

(iii) require the person to remedy the contravention within a period specified by the radiation health officer in the notice of contravention.

(4) A radiation health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:

(a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 5-19; or

(b) in the opinion of the radiation health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

2020, c 12, s.17.

Directions to remedy contravention

5-16 A notice of contravention may include directions as to the measures to be taken to remedy the contravention to which the notice relates, and the directions must, if practicable, give the person on whom the notice is served a choice of different ways of remedying the contravention.

2020, c 12, s.17.

Contravention involving risk to health or safety

5-17(1) If a radiation health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a serious risk to the health or safety of a worker or any other person, the radiation health officer may:

(a) direct in a notice of contravention that any activity to which the notice of contravention relates shall not be carried on after the period specified in the notice or until the contravention specified in the notice has been remedied, whichever occurs first; or

(b) in the notice of contravention, require the cessation of any work that, in the radiation health officer's opinion, constitutes a hazard to a worker or any other person, until the requirement to cease work has been withdrawn by a radiation health officer.

(2) Notwithstanding clause (1)(b), if a radiation health officer requires the immediate cessation of any work at or the evacuation of workers or any other persons from a place of employment or a worksite pursuant to clause (1)(b), the person on whom the notice of contravention is served may, subject to any direction given by the radiation health officer, carry out or cause workers to carry out the activities or measures necessary to remedy the contravention.

(3) If a radiation health officer finds a radiation installation, radiation equipment or associated apparatus that does not comply with this Part or the regulations made pursuant to this Part or that, in the officer's opinion, constitutes a hazard to a worker or any other person, the radiation health officer may:

(a) require the owner to carry out any repairs, alterations or servicing that the officer may specify and within any time that the officer may direct; or

(b) prohibit the use of the installation, equipment or apparatus until:

(i) the repairs, alterations or servicing mentioned in clause (a) have been carried out;

(ii) a radiation health officer grants written permission; or

(iii) the repairs, alterations or servicing mentioned in clause (a) have been carried out and a radiation health officer grants written permission.

2020, c 12, s.17.

Copy of compliance undertaking or notice of contravention

5-18 If a person enters into a compliance undertaking or a radiation health officer serves a notice of contravention on any person, the radiation health officer shall:

(a) if there is an occupational health committee or an occupational health and safety representative at the place of employment or the worksite with respect to which the compliance undertaking or notice of contravention applies, provide the occupational health committee or the occupational health and safety representative with a copy of the compliance undertaking or notice of contravention; or

(b) if there is no occupational health committee or occupational health and safety representative at the place of employment or the worksite with respect to which the compliance undertaking or notice of contravention applies, post a copy of the compliance undertaking or notice of contravention in a conspicuous location near the site of a radiation installation, radiation equipment or associated apparatus at that place of employment.

2020, c 12, s.17.

Progress report

5-19 Within five business days after the end of the period specified in a compliance undertaking or notice of contravention within which a contravention is to be remedied, the person who entered into the compliance undertaking or on whom the notice of contravention is served:

(a) shall:

(i) provide the occupational health committee or occupational health and safety representative at the place of employment or worksite with respect to which the compliance undertaking or notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; or

(ii) if there is no occupational health committee or occupational health and safety representative at the place of employment or worksite with respect to which the compliance undertaking or notice of contravention applies, post in a conspicuous location at the place of employment near the site of a radiation installation, radiation equipment or associated apparatus a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; and

(b) shall provide the radiation health officer who received the compliance undertaking or who served the notice of contravention with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention.

2020, c 12, s.17.

Reassignment to alternative work

5-20 If a radiation health officer has served on a person a notice of contravention that includes a requirement mentioned in clause 5-17(1)(b), the employer of any workers at the place of employment or the worksite shall assign to alternative work, without loss of pay, the employer's workers who are no longer able to work at a place of employment with respect to which the notice of contravention applies until the workers are permitted by a radiation health officer to resume their work at the place of employment or the worksite.

2020, c 12, s.17.

Withdrawals of certain requirements

5-21 A radiation health officer may withdraw any requirement for the cessation of work mentioned in clause 5-17(1)(b) that is included in a notice of contravention if the radiation health officer is satisfied that the contravention with respect to which the cessation of work was required has been remedied.

2020, c 12, s.17.

Notices of contravention that do not take immediate effect

5-22 If a notice of contravention that is not to take immediate effect has been served:

(a) the notice may be withdrawn by a radiation health officer at any time before the end of the period specified in the notice; or

(b) the period specified pursuant to clause (a) may be extended or further extended by a radiation health officer at any time except when an appeal against the notice is pending.

2020, c 12, s.17.

DIVISION 6
Appeals

Interpretation of Division

5-23(1) In this Division:

(a) **"adjudicator"** means an adjudicator appointed pursuant to Part IV;

(b) **"decision"** includes:

(i) a decision to grant an exemption;

(ii) a decision to serve, affirm, amend or cancel a notice of contravention or to not issue a notice of contravention; and

(iii) any other determination or action of a radiation health officer that is authorized by this Part.

(2) In this Division and in Part IV, **"person who is directly affected by a decision"** means any of the following persons to whom a decision of a radiation health officer is directed and who is directly affected by that decision:

(a) a worker;

(b) an owner;

(c) an operator;

(d) a vendor;

(e) any other prescribed person or member of a category of prescribed persons;

but does not include any other prescribed person or any member of a category of prescribed persons.

2020, c 12, s.17.

Appeal of radiation health officer's decision

5-24(1) A person who is directly affected by a decision of a radiation health officer may appeal the decision.

(2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.

(3) The written notice of appeal must:

(a) set out the names of all persons who are directly affected by the decision that is being appealed;

(b) identify and state the decision being appealed;

(c) set out the grounds of the appeal; and

(d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

(4) Subject to subsection (10), an appeal pursuant to subsection (1) is to be conducted by the director of occupational health and safety.

(5) In conducting an appeal pursuant to subsection (1), the director of occupational health and safety shall:

(a) provide the notice of appeal to persons who are directly affected by the decision; and

(b) provide an opportunity to the persons who are directly affected by the decision to make written representations to the director as to whether the decision should be affirmed, amended or cancelled.

(6) The written representations by a person mentioned in clause (5)(b) must be made within:

(a) 30 days after the notice of appeal is provided to that person; or

(b) any further period permitted by the director of occupational health and safety.

(7) The director of occupational health and safety is not required to give an oral hearing with respect to an appeal pursuant to subsection (1).

(8) After conducting an appeal in accordance with this section, the director of occupational health and safety shall:

(a) affirm, amend or cancel the decision being appealed; and

(b) provide written reasons for the decision made pursuant to clause (a).

(9) The director of occupational health and safety shall serve a copy of a decision made pursuant to subsection (8) on all persons who are directly affected by the decision.

(10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:

(a) the notice of appeal;

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who have been provided notice of the appeal pursuant to clause (5)(a).

2020, c 12, s.17.

Appeal of director's decision to adjudicator

5-25(1) A person who is directly affected by a decision of the director of occupational health and safety made pursuant to subsection 5-24(8) may appeal the decision to an adjudicator in accordance with subsection (2) within 15 business days after the date of service of the decision.

(2) An appeal pursuant to subsection (1) is to be commenced by filing a written notice of appeal with the director of occupational health and safety that:

(a) sets out the names of all persons who are directly affected by the decision being appealed;

(b) identifies and states the decision being appealed;

(c) sets out the grounds of the appeal; and

(d) sets out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

2020, c 12, s.17.

Decisions not stayed by appeals

5-26(1) Subject to subsections (2) and (3), the commencement of an appeal pursuant to section 5-24 or 5-25 does not stay the effect of a decision that is being appealed.

(2) The director of occupational health and safety may, on the director's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the director.

(3) An adjudicator may, on the adjudicator's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the adjudicator.

2020, c 12, s.17.

DIVISION 7
General

Radiation health officers, appointment and powers

5-27(1) The minister may appoint one or more employees of the ministry or categories of employees of the ministry as radiation health officers for the purposes of enforcing this Part and the regulations made pursuant to this Part.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

2020, c 12, s.17.

Credentials for radiation health officers

5-28 The minister shall provide each radiation health officer with written credentials of the officer's appointment, and the radiation health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2020, c 12, s.17.

Inspections

5-29(1) Subject to subsection (4), a radiation health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

(a) preventing radiation incidents or illnesses;

(b) ascertaining the cause and particulars of a radiation incident or illness or of an event that had the potential to cause a radiation incident or illness;

(c) making an inquiry in response to a complaint concerning radiation exposure; or

(d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the radiation health officer has reasonable grounds to believe that there is a radiation hazard.

(3) When conducting an inspection in accordance with subsection (1), a radiation health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and may make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to radiation health and safety;

(g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.

(4) A radiation health officer shall not enter a private dwelling without a warrant issued pursuant to section 5-31 unless the occupant of the dwelling consents to the entry.

(5) A radiation health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2020, c 12, s.17.

Obtaining information

5-30 For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety or a radiation health officer, the director of occupational health and safety may direct any person to provide any information in any form and manner and within any time that the director may specify.

2020, c 12, s.17.

Investigations

5-31(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;

(d) carry out the activities listed in subsection (2).

(2) With a warrant issued pursuant to subsection (1), a radiation health officer may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the radiation health officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;

(e) remove, for the purpose of making copies, any records examined pursuant to this section;

(f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and

(h) seize and remove from any place or premises searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.

(3) Subject to subsection (4), a radiation health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) A radiation health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2020, c 12, s.17.

Provision of reports by radiation health officer

5-32 If a radiation health officer provides an owner with a report, the owner shall provide a copy of the report to:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) if there is no occupational health committee and no occupational health and safety representative, the workers at the place of employment or worksite identified in the report.

2020, c 12, s.17.

Director's decisions to be posted

5-33(1) The director of occupational health and safety shall cause the following documents to be posted in a conspicuous location near the site of a radiation installation, radiation equipment or associated apparatus:

(a) a notice of any exemption granted by the director pursuant to section 5-44;

(b) a copy of any decision of the director and the written reasons for the decision provided pursuant to subsection 5-24(8);

(c) notice of any stay by the director or an adjudicator of all or any portion of a decision pursuant to section 5-26.

(2) No person shall remove, alter, damage or deface any notice or other document posted pursuant to subsection (1) without the prior authorization of a radiation health officer or the director of occupational health and safety.

2020, c 12, s.17.

Promptness of decisions

5-34 A decision that is required to be made pursuant to this Part or the regulations made pursuant to this Part by a radiation health officer or the director of occupational health and safety must be made as soon as is reasonably possible.

2020, c 12, s.17.

Services provided by minister

5-35 The minister may:

(a) provide consulting services with respect to:

(i) radiation installations;

(ii) radiation equipment;

(iii) radiation protection; and

(iv) safety measures; and

(b) provide special services, including instrument calibrations and leak testing of sealed radioactive sources.

2020, c 12, s.17.

Radiation Health and Safety Committee

5-36(1) Subject to subsection (2), the Radiation Health and Safety Committee is continued consisting of the following persons appointed by the minister:

(a) a diagnostic radiologist nominated by The College of Physicians and Surgeons of Saskatchewan;

(b) a radiation oncologist nominated by The College of Physicians and Surgeons of Saskatchewan;

(c) a duly qualified medical practitioner nominated by The College of Physicians and Surgeons of Saskatchewan who, by reason of the practitioner being a specialist in pathology or internal medicine, has extensive knowledge of and training in haematology;

(d) a dentist or dental surgeon nominated by the College of Dental Surgeons of Saskatchewan;

(e) a medical radiation or imaging professional nominated by the College of Medical Radiation and Imaging Professionals of Saskatchewan;

(f) a veterinarian nominated by the Saskatchewan Veterinary Medical Association;

(g) a physicist experienced in radiation physics;

(h) a person with expertise in uranium radiation protection issues;

(i) one or more persons selected by the minister;

(j) the employee of the ministry responsible for supervising the provision of the services mentioned in section 5-35; and

(k) one radiation health officer.

(2) The minister shall make reasonable efforts to appoint persons to the committee who are described in clauses (1)(a) to (h) but the absence of any of those persons does not impair the power of the other members of the committee to act.

(3) A member of the committee holds office until a successor is appointed.

(4) Members of the committee are entitled to the following:

(a) except for those members of the committee who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the minister;

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

(5) The committee shall:

(a) advise the minister with respect to radiation health generally, safety measures and recommended codes of practice to be issued by the minister to every owner, operator and other person in Saskatchewan who may be exposed to radiation concerning radiation health, safety measures and the operation and use of radiation equipment and the use of radioactive substances;

(b) promote an educational program among all owners, operators, radiation workers and other persons who may be exposed to radiation respecting radiation dangers and the protection, in accordance with the practices recommended by the committee, of the health of owners, operators, radiation workers and other persons who may be exposed to radiation;

(c) give general direction and professional advice to radiation health officers, including direction and advice with respect to the standards to be observed by officers in approving plans for establishing radiation installations;

(d) make recommendations respecting the acquisition, operation and use of radiation equipment and associated apparatus and the use of radioactive substances;

(e) advise the minister respecting the minimum age at which a person may be employed as a radiation worker in any occupation or category of occupations;

(f) advise the minister respecting conditions to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers; and

(g) deal with any other matters relating to radiation health that the minister may refer to it.

2020, c 12, s.17; 2023, c 6, s.24-3.

Costs of administration of this Part

5-37(1) On or before June 30 in each year, the minister shall advise the Workers' Compensation Board of the estimated cost for that calendar year of the administration of this Part and the regulations made pursuant to this Part.

(2) On being advised of the estimated cost for a calendar year pursuant to subsection (1), the Workers' Compensation Board shall, on or before January 31 of the following year, pay into the general revenue fund with respect to those costs the sum that the minister may direct, not exceeding the actual costs of the administration of this Part and the regulations made pursuant to this Part.

2020, c 12, s.17.

Application of radiation

5-38(1) Nothing in this Part or the regulations made pursuant to this Part limits the kind or quantity of radiation that may be intentionally applied to a person for diagnostic or therapeutic purposes by or under the direction of a person qualified pursuant to an Act to provide persons with care and treatment by means of radiation equipment.

(2) Notwithstanding subsection (1), every operator of radiation equipment shall cause adequate precautions to be taken to ensure that no person is unnecessarily exposed to radiation.

2020, c 12, s.17.

DIVISION 8
Offences and Penalties

Offence and penalty

5-39(1) No person shall:

(a) fail to comply with any term or condition imposed on that person by a notice of contravention;

(b) intentionally obstruct the director of occupational health and safety or a radiation health officer in the exercise of the director's or officer's powers or the performance of the director's or officer's duties;

(c) fail to reasonably cooperate with the director of occupational health and safety or a radiation health officer in the exercise of the director's or officer's powers or the performance of the director's or officer's duties;

(d) make or cause to be made a false entry in any register, book, notice or other document to be kept by the person pursuant to this Part or the regulations made pursuant to this Part, or delete or destroy any true or proper entry in any of those documents;

(e) fail to comply with an order, decision or direction made pursuant to this Part or the regulations made pursuant to this Part; or

(f) fail to comply with any provision of this Part or any provision of the regulations made pursuant to this Part.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

(a) in the case of a first offence, to a fine of not more than $100,000 and, in the case of a continuing offence, to a further fine of not more than $15,000 for each day during which the offence continues; and

(b) in the case of a second or subsequent offence, to a fine of not more than $200,000 and, in the case of a continuing offence, to a further fine of not more than $20,000 for each day during which the offence continues.

2020, c 12, s.17.

Onus on accused re duty or requirement

5-40 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part respecting a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, the onus is on the accused to prove, as the case may be, that:

(a) it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement; or

(b) there was no better practicable means than was actually used to satisfy the duty or requirement.

2020, c 12, s.17.

Limitation on prosecution

5-41 No prosecution with respect to an alleged contravention against this Part or to the regulations made pursuant to this Part is to be commenced more than two years after the day of the commission of the alleged contravention.

2020, c 12, s.17.

DIVISION 9
Regulations, Codes of Practice and Exemptions

Regulations for Part

5-42 The Lieutenant Governor in Council may make regulations:

(a) generally for preventing impairment of the health of radiation workers and other persons by radiation;

(b) respecting the minimum age at which a person may be a radiation worker in any particular occupation;

(c) prescribing standards to be maintained to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers;

(d) prescribing the standards to be maintained for safety purposes in connection with the operation and use of radiation equipment and associated apparatus;

(e) prescribing standards for the inspections to be made and other measures to be taken in connection with the operation and use of radiation equipment and associated apparatus;

(f) prescribing conditions under which radiation equipment may be installed or used;

(g) requiring the development and implementation of procedures manuals with respect to any radiation equipment or radiation installation;

(h) requiring the classification and labelling of radiation equipment;

(i) requiring the display of warning signs or other signs providing information about radiation health and safety;

(j) prescribing exposure rates and dose limits for ionizing radiation to which any person or category of persons may be exposed;

(k) providing for the monitoring and control of the exposure to or dose of radiation received by any person or category of persons;

(l) classifying non-ionizing radiation equipment and forms of non-ionizing radiation;

(m) prescribing exposure limits and exposure levels for any form of non-ionizing radiation to which any person or category of persons may be exposed;

(n) requiring records to be kept by owners, operators and vendors, prescribing the periods during which records are to be kept and prescribing the nature of information to be recorded and authorizing the minister to determine the form in which those records must be kept;

(o) exempting any radiation equipment or radiation installation, temporarily or permanently, from any or all of the provisions of this Part, conditionally or unconditionally;

(p) for the purposes of subsections 5-4(2) and (3) and sections 5-8, 5-12 and 5-13, prescribing periods within which statements, itineraries, notices, information, plans or other things mentioned in those sections must be provided or submitted;

(q) for the purposes of clause 5-15(2)(c), prescribing other measures;

(r) for the purposes of subsection 5-23(2):

(i) prescribing persons or categories of persons as persons who are directly affected by a decision of a radiation health officer; and

(ii) prescribing persons or categories of person who are not persons directly affected by a decision of a radiation health officer;

(s) for the purposes of clause 5-29(1)(d), prescribing an Act or regulations;

(t) prescribing any matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(u) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2020, c 12, s.17.

Codes of practice

5-43(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the minister may, after any consultation with the committee and any other interested persons or associations that the minister considers advisable:

(a) issue any code of practice; and

(b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the minister shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the minister has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the minister is admissible in evidence in any court without proof of the signature, appointment or authority of the minister.

2020, c 12, s.17.

Exemptions

5-44(1) In order to meet the special circumstances in a particular case, the director of occupational health and safety may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or category of persons from any provision of this Part or the regulations made pursuant to this Part or a code of practice.

(2) An exemption pursuant to subsection (1) is to be made only if the director of occupational health and safety is satisfied that the standard of health and safety of any worker is not materially affected by the exemption

2020, c 12, s.17.

PART VI
Labour Relations

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

6-1(1) In this Part:

(a) **"bargaining unit"** means:

(i) a unit that is determined by the board as a unit appropriate for collective bargaining; or

(ii) if authorized pursuant to this Part, a unit comprised of employees of two or more employers that is determined by the board as a unit appropriate for collective bargaining;

(b) **"certification order"** means a board order issued pursuant to section 6-13 or clause 6-18(4)(e) that certifies a union as the bargaining agent for a bargaining unit;

(c) **"chairperson"** means the chairperson of the board appointed pursuant to subsection 6-93(2);

(d) **"collective agreement"** means a written agreement between an employer and a union that:

(i) sets out the terms and conditions of employment; or

(ii) contains provisions respecting rates of pay, hours of work or other working conditions of employees;

(e) **"collective bargaining"** means:

(i) negotiating in good faith with a view to the conclusion of a collective agreement or its renewal or revision;

(ii) putting the terms of an agreement in writing if those terms were arrived at in negotiations or are required to be inserted into a collective agreement by this Part;

(iii) executing a collective agreement by or on behalf of the parties; and

(iv) negotiating from time to time the settlement of disputes and grievances of employees covered by a collective agreement or represented by a union;

(f) **"collective bargaining order"** means a board order made pursuant to clause 6-104(2)(a);

(g) **"director of labour relations"** means the person appointed as director of labour relations pursuant to section 6-118;

(h) **"employee"** means:

(i) a person employed by an employer other than:

(A) a person whose primary responsibility is to exercise authority and perform functions that are of a managerial character; or

(B) a person whose primary duties include activities that are of a confidential nature in relation to any of the following and that have a direct impact on the bargaining unit the person would be included in as an employee but for this paragraph:

(I) labour relations;

(II) business strategic planning;

(III) policy advice;

(IV) budget implementation or planning;

(ii) a person engaged by another person to perform services if, in the opinion of the board, the relationship between those persons is such that the terms of the contract between them can be the subject of collective bargaining; and

(iii) any person designated by the board as an employee for the purposes of this Part notwithstanding that, for the purpose of determining whether or not the person to whom he or she provides services is vicariously liable for his or her acts or omissions, he or she may be held to be an independent contractor;

and includes:

(iv) a person on strike or locked out in a current labour-management dispute who has not secured permanent employment elsewhere; and

(v) a person dismissed from his or her employment whose dismissal is the subject of any proceedings before the board or subject to grievance or arbitration in accordance with Subdivision 3 of Division 9;

(i) **"employer"** means:

(i) an employer who customarily or actually employs three or more employees;

(ii) an employer who employs fewer than three employees if at least one of the employees is a member of a union that includes among its membership employees of more than one employer; or

(iii) with respect to any employees of a contractor who supplies the services of the employees for or on behalf of a principal pursuant to the terms of any contract entered into by the contractor or principal, the contractor or principal as the board may determine for the purposes of this Part;

(j) **"executive officer"** means the executive officer of the board mentioned in section 6-97;

(k) **"labour organization"** means an organization of employees who are not necessarily employees of one employer that has collective bargaining among its purposes;

(l) **"labour relations officer"** means a person appointed as a labour relations officer pursuant to subsection 6-119(1);

(m) **"lockout"** means one or more of the following actions taken by an employer for the purpose of compelling employees to agree to terms and conditions of employment:

(i) the closing of all or part of a place of employment;

(ii) a suspension of work;

(iii) a refusal to continue to employ employees;

(n) **"strike"** means any of the following actions taken by employees:

(i) a cessation of work or a refusal to work or to continue to work by employees acting in combination or in concert or in accordance with a common understanding;

(ii) any other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output or the effective delivery of services;

(o) **Repealed.** 2021, c38, s.4.

(p) **"union"** means a labour organization or association of employees that:

(i) has as one of its purposes collective bargaining; and

(ii) is not dominated by an employer;

(q) **"unit"** means any group of employees of an employer or, if authorized pursuant to this Part, of two or more employers.

(2) Unless otherwise ordered by the board, an employer remains subject to a certification order, a collective agreement and the other provisions of this Part notwithstanding that the employer, at any time or from time to time, ceases to be an employer within the meaning of this Part.

(3) Subject to the regulations made pursuant to this Part, every provision of this Part conferring or imposing a right, duty or obligation on an employer applies, with any necessary modification, to the following persons:

(a) a representative employers' organization determined in accordance with Division 13;

(b) a designated employers' organization determined in accordance with Division 14.

(4) Subsection (3) is not to be construed as relieving employers who are members of a representative employers' organization or a designated employers' organization from complying with the obligations that are imposed on employers by this Part and that are not carried out by the organizations.

(5) Every provision of this Part imposing or conferring a right, duty or obligation on a union applies, with any necessary modification, to a council of unions determined in accordance with Division 13.

(6) Subsection (5) is not to be construed as relieving unions that are members of a council of unions from complying with the obligations that are imposed on unions by this Part and that are not carried out by the council of unions.

2013, c.S-15.1, s.6-1; 2021, c 38, s.4.

Responsibility and powers of minister re Part

6-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to labour relations.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) provide assistance to employers, employees, unions and other persons to understand the rights and obligations created by this Part by providing seminars, developing informational material and answering questions relating to those rights and obligations; and

(b) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

(3) Without restricting the generality of subsection (2), the minister may appoint one or more persons to perform duties specified by the minister in connection with a labour-management dispute for the purpose of helping to resolve that dispute, whether or not that dispute is regulated by the provisions of this Part.

2013, c.S-15.1, s.6-2; 2020, c 12, s.18.

Capacity of unions

6-3 For the purposes of this Act, every union is deemed to be a person.

2013, c.S-15.1, s.6-3; 2020, c 12, s.19.

DIVISION 2
Rights, Duties, Obligations and Prohibitions

Right to form and join a union and to be a member of a union

6-4(1) Employees have the right to organize in and to form, join or assist unions and to engage in collective bargaining through a union of their own choosing.

(2) No employee shall unreasonably be denied membership in a union.

2013, c.S-15.1, s.6-4.

Coercion and intimidation prohibited

6-5 No person shall use coercion or intimidation of any kind that could reasonably have the effect of compelling or inducing a person to become or to refrain from becoming or to continue to be or to cease to be a member of a union.

2013, c.S-15.1, s.6-5.

Certain actions against employees prohibited

6-6(1) No person shall do any of the things mentioned in subsection (2) against another person:

(a) because of a belief that the other person may testify in a proceeding pursuant to this Part;

(b) because the person has made or is about to make a disclosure that may be required of the person in a proceeding pursuant to this Part;

(c) because the person has made an application, filed a complaint or otherwise exercised a right conferred pursuant to this Part; or

(d) because the person has participated or is about to participate in a proceeding pursuant to this Part.

(2) In the circumstances mentioned in subsection (1), no person shall do any of the following:

(a) refuse to employ or refuse to continue to employ a person;

(b) threaten termination of employment or otherwise threaten a person;

(c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a union;

(d) intimidate or coerce or impose a pecuniary or other penalty on a person.

2013, c.S-15.1, s.6-6.

Good faith bargaining

6-7 Every union and employer shall, in good faith, engage in collective bargaining in the time and in the manner required pursuant to this Part or by an order of the board.

2013, c.S-15.1, s.6-7.

Board order re religious objections

6-8(1) Subject to subsection (2), the board may, by order, exclude an employee from a bargaining unit if the board is satisfied that the employee objects to joining or belonging to a union or to paying dues and assessments to a union as a matter of conscience based on religious training or belief.

(2) An employee excluded from a bargaining unit in accordance with subsection (1) shall pay an amount equal to any union dues and other assessments to a charitable organization registered in Canada pursuant to Part I of the *Income Tax Act* (Canada) that:

(a) is agreed on by the employee and the union; or

(b) if no agreement is made pursuant to clause (a), is designated by the board.

2013, c.S-15.1, s.6-8.

DIVISION 3
Acquisition and Termination of Bargaining Rights

Acquisition of bargaining rights

6-9(1) A union may, at any time, apply to the board to be certified as bargaining agent for a unit of employees appropriate for collective bargaining if a certification order has not been issued for all or a portion of that unit.

(2) When applying pursuant to subsection (1), a union shall:

(a) establish that 45% or more of the employees in the unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and

(b) file with the board evidence of each employee's support that meets the prescribed requirements.

2013, c.S-15.1, s.6-9.

Change in union representation

6-10(1) If a union has been certified as the bargaining agent for a bargaining unit, another union may apply to the board to be certified as bargaining agent:

(a) for the bargaining unit; or

(b) for a portion of the bargaining unit:

(i) if the applicant union establishes to the satisfaction of the board that the portion of the bargaining unit that is the subject of the application should be separately certified as a unit appropriate for collective bargaining; or

(ii) if the applicant union is certified as the bargaining agent in another bargaining unit with the same employer or, in circumstances addressed in Division 14, with two or more health sector employers as defined in section 6-82 and the applicant union establishes to the satisfaction of the board that the portion of the bargaining unit that is the subject of the application should be moved into the other bargaining unit.

(2) When making an application pursuant to subsection (1), a union shall:

(a) establish that:

(i) for an application made in accordance with clause (1)(a), 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; or

(ii) for an application made in accordance with clause (1)(b), 45% or more of the employees in the unit of employees proposed to be established or proposed to be moved from one bargaining unit to another have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and

(b) file with the board evidence of each employee's support that meets the prescribed requirements.

(3) Subject to subsection (4), an application pursuant to subsection (1) must be made not less than 60 days and not more than 120 days before:

(a) the anniversary date of the effective date of the collective agreement; or

(b) if a collective agreement has not been concluded, the anniversary date of the certification order.

(4) With respect to an application made pursuant to subclause (1)(b)(ii), the application must be made not less than 60 days and not more than 120 days before:

(a) the anniversary date of the effective date of any of the collective agreements with an employer mentioned in that subclause; or

(b) the anniversary date of the effective date of any of the certification orders governing an employer mentioned in that subclause.

2013, c.S-15.1, s.6-10.

Determination of bargaining unit

6-11(1) If a union applies for certification as the bargaining agent for a unit or a portion of a bargaining unit or to move a portion of one bargaining unit to another bargaining unit, including a bargaining unit comprised of supervisory employees, as defined in clause 6-1(1)(o) of this Act as that clause read before the coming into force of *The Saskatchewan Employment Amendment Act, 2021*, the board shall determine:

(a) if the unit of employees is appropriate for collective bargaining; or

(b) in the case of an application to move a portion of one bargaining unit to another bargaining unit, if the portion of the unit should be moved.

(2) In making the determination required pursuant to subsection (1), the board may include or exclude persons in the unit proposed by the union.

(3) **Repealed.** 2021, c 38, s.5.

(4) **Repealed.** 2021, c 38, s.5.

(5) **Repealed.** 2021, c 38, s.5.

(6) **Repealed.** 2021, c 38, s.5.

(7) In making the determination required by subsection (1) as it relates to the construction industry within the meaning of Division 13, the board shall:

(a) make no presumption that a craft unit is the more suitable unit appropriate for collective bargaining; and

(b) determine the bargaining unit by reference to whatever factors the board considers relevant to the application, including:

(i) the geographical jurisdiction of the union making the application; and

(ii) whether the certification order should be confined to a particular project.

2013, c.S-15.1, s.6-11; 2021, c 38, s.5.

Representation vote

6-12(1) Before issuing a certification order on an application made in accordance with section 6-9 or amending an existing certification order on an application made in accordance with section 6-10, the board shall direct a vote of all employees eligible to vote to determine whether the union should be certified as the bargaining agent for the proposed bargaining unit.

(2) Notwithstanding that a union has not established the level of support required by subsection 6-9(2) or 6-10(2), the board shall make an order directing a vote to be taken to determine whether a certification order should be issued or amended if:

(a) the board finds that the employer or a person acting on behalf of the employer has committed an unfair labour practice or has otherwise contravened this Part;

(b) there is insufficient evidence before the board to establish that 45% or more of the employees in the proposed bargaining unit support the application; and

(c) the board finds that sufficient evidence of support mentioned in clause (b) would have been obtained but for the unfair labour practice or contravention of this Part.

(3) Notwithstanding subsection (1), the board may refuse to direct the vote if the board has, within the 12 months preceding the date of the application, directed a vote of employees in the same unit or a substantially similar unit on the application of the same union.

2013, c.S-15.1, s.6-12.

Certification order

6-13(1) If, after a vote is taken in accordance with section 6-12, the board is satisfied that a majority of votes that are cast favour certification of the union as the bargaining agent for a unit of employees, the board shall issue an order:

(a) certifying the union as the bargaining agent for that unit; and

(b) if the application is made pursuant to subclause 6-10(1)(b)(ii), moving a portion of one bargaining unit into another bargaining unit.

(2) If a union is certified as the bargaining agent for a bargaining unit:

(a) the union has exclusive authority to engage in collective bargaining for the employees in the bargaining unit and to bind it by a collective agreement until the order certifying the union is cancelled; and

(b) if a collective agreement binding on the employees in the bargaining unit is in force at the date of certification, the agreement remains in force and shall be administered by the union that has been certified as the bargaining agent for the bargaining unit.

2013, c.S-15.1, s.6-13.

Application to cancel certification order – union ceases to be a union

6-14(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order on the grounds that the union named in the certification order is no longer a union within the meaning of clause 6-1(1)(p) or that the union no longer exists.

(2) On an application pursuant to subsection (1), the board shall cancel the certification order if the board concludes that the union named in the certification order is no longer a union within the meaning of clause 6-1(1)(p) or that the union no longer exists.

2013, c.S-15.1, s.6-14.

Application to cancel certification order – unfair labour practice

6-15(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order on the grounds that the union or any person acting on behalf of the union engaged in an unfair labour practice or otherwise contravened this Part before the certification order was issued.

(2) If the board is satisfied that the certification order would not have been granted but for the unfair labour practice or other contravention of this Part, the board shall direct that a vote be taken of the employees in the bargaining unit.

(3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour cancelling the certification order, the board shall cancel the certification order.

2013, c.S-15.1, s.6-15.

Application to cancel certification order – abandonment

6-16(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order if the union has been inactive in promoting and enforcing its bargaining rights for a period of three years or more.

(2) The board shall cancel the certification order if the board is satisfied that the union has been inactive in promoting and enforcing its bargaining rights in the period mentioned in subsection (1).

2013, c.S-15.1, s.6-16.

Application to cancel certification order – loss of support

6-17(1) An employee within a bargaining unit may apply to the board to cancel a certification order if the employee:

(a) establishes that 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated support for removing the union as bargaining agent; and

(b) files with the board evidence of each employee's support that meets the prescribed requirements.

(2) On receipt of an application pursuant to subsection (1), the board shall direct that a vote be taken of the employees in the bargaining unit.

(3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour removing the union as bargaining agent, the board shall cancel the certification order.

(4) An application must not be made pursuant to this section:

(a) during the two years following the issuance of the first certification order; or

(b) during the 12 months following a refusal pursuant to this section to cancel the certification order.

2013, c.S-15.1, s.6-17.

DIVISION 4
Successor Rights and Obligations

Transfer of obligations

6-18(1) In this Division, **"disposal"** means a sale, lease, transfer or other disposition.

(2) Unless the board orders otherwise, if a business or part of a business is disposed of:

(a) the person acquiring the business or part of the business is bound by all board orders and all proceedings had and taken before the board before the acquisition; and

(b) the board orders and proceedings mentioned in clause (a) continue as if the business or part of the business had not been disposed of.

(3) Without limiting the generality of subsection (2) and unless the board orders otherwise:

(a) if before the disposal a union was determined by a board order to be the bargaining agent of any of the employees affected by the disposal, the board order is deemed to apply to the person acquiring the business or part of the business to the same extent as if the order had originally applied to that person; and

(b) if any collective agreement affecting any employees affected by the disposal was in force at the time of the disposal, the terms of that collective agreement are deemed to apply to the person acquiring the business or part of the business to the same extent as if the collective agreement had been signed by that person.

(4) On the application of any union, employer or employee directly affected by a disposal, the board may make orders doing any of the following:

(a) determining whether the disposal or proposed disposal relates to a business or part of a business;

(b) determining whether, on the completion of the disposal of a business or part of the business, the employees constitute one or more units appropriate for collective bargaining;

(c) determining what union, if any, represents the employees in the bargaining unit;

(d) directing that a vote be taken of all employees eligible to vote;

(e) issuing a certification order;

(f) amending, to the extent that the board considers necessary or advisable:

(i) a certification order or a collective bargaining order; or

(ii) the description of a bargaining unit contained in a collective agreement;

(g) giving any directions that the board considers necessary or advisable as to the application of a collective agreement affecting the employees in the bargaining unit referred to in the certification order.

(5) Section 6-13 applies, with any necessary modification, to a certification order issued pursuant to clause (4)(e).

2013, c.S-15.1, s.6-18.

Effect of business becoming subject to Saskatchewan laws

6-19 Unless the board otherwise orders, if collective bargaining relating to a business is governed by the laws of Canada, and the business or part of the business becomes subject to the laws of Saskatchewan:

(a) section 6-18 applies, with any necessary modification, to any collective agreement and to the parties to the collective agreement that were governed by the laws of Canada; and

(b) the person owning or acquiring the business or part of the business is bound by any collective agreement in force when the business or part of the business becomes subject to the laws of Saskatchewan.

2013, c.S-15.1, s.6-19.

Board may declare related businesses to be one employer

6-20(1) On the application of any union or employer affected, the board may, by order, declare more than one corporation, partnership, individual or association to be one employer for the purposes of this Part if, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by one person through the different corporations, partnerships, individuals or associations.

(2) Subsection (1) applies only to corporations, partnerships, individuals or associations that have common control or direction on or after October 28, 1994.

2013, c.S-15.1, s.6-20.

Successor union

6-21(1) Unless the board orders otherwise, no board order, collective agreement or proceeding had or taken pursuant to this Part is rendered void, terminated, abrogated or curtailed in any way by reason only of:

(a) a change in the name of a union;

(b) the amalgamation, merger or affiliation of a union or any part of any union with another union; or

(c) the transfer or assignment by a union of its rights or any of its rights under or with respect to any board order, agreement or proceeding to another union.

(2) Unless the board orders otherwise, if a union, as a result of an amalgamation, merger or affiliation with another union, has changed its name, all board orders, agreements and proceedings pursuant to this Part and all records relating to the union, on and after the effective date of the amalgamation, merger or affiliation and without any board order, are deemed to be amended by the substitution of the new name of the union for the former name wherever it appears.

(3) Unless the board orders otherwise, notwithstanding the change of name, amalgamation, merger, affiliation, transfer or assignment mentioned in subsection (1) or (2), all board orders, agreements and proceedings pursuant to this Part:

(a) inure to the benefit of the successor, transferee or assignee, as the case may be; and

(b) apply to all persons affected by the board orders, agreements and proceedings pursuant to this Part.

2013, c.S-15.1, s.6-21.

DIVISION 5
Votes

Votes by secret ballot

6-22(1) All votes required pursuant to this Part or directed to be taken by the board must be by secret ballot.

(2) A vote by secret ballot is not required among employees in a bargaining unit consisting of two employees or fewer.

(3) An employee who has voted at a vote taken pursuant to this Part is not competent or compellable to give evidence before the board or in any court proceedings as to how the vote was cast.

(4) The results of the vote mentioned in subsection (1), including the number of ballots cast and the votes for, against or spoiled, must be made available to the employees who were entitled to vote.

2013, c.S-15.1, s.6-22.

Voting requirements

6-23 On the application of the affected union or an affected employee or on its own motion, the board may:

(a) require that a vote required pursuant to this Part, or directed to be taken by the board, be supervised, conducted or scrutinized by the board or a person appointed by the board;

(b) establish the manner and time in which the vote is required to be conducted and when and how notice of the vote must be provided to those entitled to vote;

(c) determine, by order, by board regulation or both, general eligibility requirements as to who is entitled to vote;

(d) determine whether a person:

(i) satisfies the eligibility requirements; and

(ii) is an employee or is an employee entitled to vote; and

(e) require that the employer and the union give all eligible employees an opportunity to vote.

2013, c.S-15.1, s.6-23.

DIVISION 6
Collective Bargaining

Commencing collective bargaining – first agreement

6-24 Authorized representatives of the union and the employer shall:

(a) meet within 20 days after the board issues a certification order or any other period that the parties agree on; and

(b) commence collective bargaining with a view to concluding a collective agreement.

2013, c.S-15.1, s.6-24.

Assistance re first collective agreement

6-25(1) The employer or the union may apply to the board for assistance in the conclusion of a first collective agreement, and the board may provide assistance pursuant to subsection (6), if:

(a) the board has issued a certification order or a collective bargaining order;

(b) the union and the employer have engaged in collective bargaining and have failed to conclude a first collective agreement; and

(c) one or more of the following circumstances exist:

(i) the union has taken a strike vote and the majority of those employees who voted have voted for a strike;

(ii) the employer has declared a lockout;

(iii) the board has made a determination pursuant to clause 6-62(1)(d) or 6-63(1)(c) and, in the opinion of the board, it is appropriate to assist the parties in the conclusion of a first collective agreement;

(iv) 90 days or more have passed since the board made the certification order.

(2) If an application is made pursuant to subsection (1):

(a) an employee shall not strike or continue to strike and the union shall not declare, authorize or counsel a strike; and

(b) the employer shall not lock out or continue to lock out the employees.

(3) An application pursuant to subsection (1) must include a list of the disputed issues and a statement of the position of the applicant on those issues, including the applicant's last offer on those issues.

(4) All materials filed with the board in support of an application pursuant to subsection (1) must be served on the other party within 24 hours after filing the application with the board.

(5) Within 14 days after receiving the information mentioned in subsection (4), the other party shall:

(a) file with the board a list of the disputed issues and a statement of the position of that party on those issues, including that party's last offer on those issues; and

(b) serve on the applicant a copy of the list and statement.

(6) On receipt of an application pursuant to subsection (1):

(a) the board may require the parties to request the minister to appoint a labour relations officer or special mediator to mediate the dispute or establish a conciliation board pursuant to section 6-29; and

(b) if a period of 120 days has elapsed since the appointment of the labour relations officer or special mediator or the establishment of a conciliation board pursuant to clause (a), the board may do any of the following:

(i) conclude, within 45 days after the date of the order, any term or terms of the first collective agreement between the parties;

(ii) order arbitration by a single arbitrator to conclude, within 45 days after the date of the order, any term or terms of the first collective agreement.

(7) Before concluding any term or terms of a first collective agreement, the board or a single arbitrator may hear:

(a) evidence adduced relating to the parties' positions on disputed issues; and

(b) argument by the parties or their counsel or agent.

2013, c.S-15.1, s.6-25.

Commencing collective bargaining – renewal or revision

6-26(1) Before the expiry of a collective agreement, either party to the collective agreement may give notice in writing to the other party within the period set out in subsection (2) to negotiate a renewal or revision of the collective agreement or a new collective agreement.

(2) A written notice pursuant to subsection (1) must be given not less than 60 days nor more than 120 days before the expiry date of the collective agreement.

(3) If a written notice is given pursuant to subsection (1), the parties shall immediately engage in collective bargaining with a view to concluding a renewal or revision of a collective agreement or a new collective agreement.

2013, c.S-15.1, s.6-26.

DIVISION 7
Assistance in Bargaining

Appointment of labour relations officer

6-27 On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may require the director of labour relations to appoint a labour relations officer to investigate, mediate and report to the minister on the labour-management dispute.

2013, c.S-15.1, s.6-27.

Special mediator

6-28(1) On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may do all or any of the following:

(a) appoint a person as a special mediator to investigate, mediate and report to the minister on any labour-management dispute;

(b) establish any terms of reference that the minister considers necessary with respect to any of the following:

(i) the remuneration to be paid to the special mediator;

(ii) the procedures to be followed by the special mediator;

(iii) the publication of any reports submitted by the special mediator;

(c) replace the special mediator or terminate the appointment of the special mediator.

(2) A special mediator appointed by the minister pursuant to subsection (1):

(a) has the powers of a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*; and

(b) is not bound by the rules of evidence, but may receive and accept any evidence that the special mediator considers appropriate.

2013, c.S-15.1, s.6-28; 2014, c.27, s.6.

Conciliation board

6-29(1) On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may establish a conciliation board to investigate, conciliate and report to the minister on the labour-management dispute.

(2) In establishing a conciliation board, the minister may determine the following:

(a) how conciliation board members are to be selected;

(b) the terms of reference for the conciliation board;

(c) the procedure the conciliation board is to follow when engaged in its activities;

(d) the remuneration to be paid to conciliation board members;

(e) whether the conciliation board is to provide a report to the parties or only to the minister and, if the report is to be provided only to the minister, whether the minister will publicly release the report.

(3) The minister shall designate one member of a conciliation board as chairperson.

(4) The chairperson of the conciliation board:

(a) has the powers of a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*; and

(b) is not bound by the rules of evidence, but may receive and accept any evidence that the chairperson considers appropriate.

2013, c.S-15.1, s.6-29; 2015, c.27, s.7.

DIVISION 8
Strikes and Lockouts

Lockouts and strikes prohibited during term of collective agreement

6-30(1) No employer bound by a collective agreement shall declare a lockout of employees bound by the collective agreement during the term of a collective agreement.

(2) No employee or union bound by a collective agreement shall, during the term of a collective agreement:

(a) counsel a strike against the employer bound by the collective agreement; or

(b) declare, authorize or participate in a strike against the employer bound by the collective agreement.

2013, c.S-15.1, s.6-30.

Bargaining required before strike vote or lockout

6-31 No union shall take a vote on the question of whether to strike and no employer shall declare a lockout before the union and the employer or their authorized representatives have engaged in collective bargaining in accordance with this Part.

2013, c.S-15.1, s.6-31.

Strike vote required

6-32 No union shall declare or authorize a strike and no employee shall strike before a vote has been taken by the employees in the bargaining unit affected and the majority of those employees who vote have voted for a strike.

2013, c.S-15.1, s.6-32.

Notice of impasse and mediation or conciliation required before strike or lockout

6-33(1) If, in the opinion of an employer or a union, collective bargaining to conclude a collective agreement has reached a point where agreement cannot be achieved, the employer or union shall serve a written notice on the minister and the other party that an impasse has been reached.

(2) The written notice mentioned in subsection (1) must set out the essential services, if any, that, in the opinion of the party providing the notice, must be maintained in the event of a strike or lockout.

(3) Within three days after receiving the notice mentioned in subsection (1), the other party that received the written notice shall serve a written notice on the minister and the other party setting out the essential services that, in that party's opinion, must be maintained in the event of a strike or lockout.

(4) As soon as possible after receipt of a written notice pursuant to subsection (1), the minister shall appoint a labour relations officer or a special mediator, or establish a conciliation board, to mediate or conciliate the dispute.

(5) Subject to subsection (6), the labour relations officer, special mediator or conciliation board shall give a report, recommendation or decision to the minister and the parties within 60 days after the date of his, her or its appointment.

(6) The parties may agree to extend the time set pursuant to subsection (5) for giving a report, recommendation or decision.

(7) No strike is to be commenced and no lockout is to be declared:

(a) unless a labour relations officer or special mediator is appointed or a conciliation board is established pursuant to subsection (4);

(b) unless:

(i) the labour relations officer, special mediator or conciliation board has informed the minister and the parties that the labour relations officer, special mediator or conciliation board does not intend to recommend terms of settlement; or

(ii) the labour relations officer, special mediator or conciliation board has informed the minister that the parties have not accepted the recommended terms of settlement by the date set by the labour relations officer, special mediator or conciliation board;

(c) unless the labour relations officer, special mediator or conciliation board has informed the minister and the parties in a report that the dispute has not been settled; and

(d) until:

(i) in the case where no essential services are identified by the parties or there is an essential services agreement in effect between the parties, the expiry of 14 days after the date on which the labour relations officer, special mediator or conciliation board has informed the minister pursuant to clause (c); or

(ii) in the case where essential services are identified by either party and there is no essential services agreement in effect between the parties, the expiry of seven days after the date on which the labour relations officer, special mediator or conciliation board has informed the minister pursuant to clause (c).

(8) If it appears to the labour relations officer, special mediator or conciliation board that settlement of the dispute is unlikely before a strike or lockout, the labour relations officer, special mediator or conciliation board shall discuss with the union and the employer whether it is necessary to establish a shutdown protocol that preserves the plant, equipment and any perishable items.

(9) In this section, **"essential services agreement"** means an essential services agreement as defined in Part VII.

2013, c.S-15.1, s.6-33; 2015, c.31, s.5.

Notice re strikes or lockouts

6-34 No strike is to be commenced and no lockout is to be declared unless the union or employer:

(a) gives the other party at least 48 hours' written notice of the date and time that the strike or lockout will commence; and

(b) promptly, after service of the notice, notifies the minister of the date and time that the strike or lockout will commence.

2013, c.S-15.1, s.6-34.

Vote on employer's last offer

6-35(1) At any time after the parties have engaged in collective bargaining, any of the following may apply to the board to conduct a vote among the employees in the bargaining unit to determine whether a majority of employees voting are in favour of accepting the employer's last offer:

(a) the union;

(b) the employer;

(c) any employees of the employer in the bargaining unit if those employees represent at least 45% of the bargaining unit or 100 employees, whichever is less.

(2) On receipt of an application pursuant to this section, the board shall direct that a vote be taken.

(3) Only one vote with respect to the same dispute may be held pursuant to this section.

(4) On the recommendation of a labour relations officer, a special mediator or a conciliation board or if the minister considers it to be in the public interest, the minister may require the board to order a vote on the employer's last offer.

(5) A vote required in accordance with subsection (4) may be in addition to a vote taken on an application pursuant to subsection (1).

(6) If a majority of votes cast favour acceptance of the employer's last offer:

(a) a collective agreement is thereby concluded between the parties; and

(b) the collective agreement is to consist of the terms voted on and any other matters agreed to by the union and the employer.

2013, c.S-15.1, s.6-35.

Benefits during strike or lockout

6-36(1) In this section, **"benefit plan"** means a medical, dental, disability or life insurance plan or other similar plan.

(2) During a strike or lockout, the union representing striking or locked-out employees in a bargaining unit may tender payments to the employer, or to a person who was, before the strike or lockout, obliged to receive the payment:

(a) in amounts sufficient to continue the employees' membership in a benefit plan; and

(b) on or before the regular due dates of those payments.

(3) The employer or other person mentioned in subsection (2) shall accept any payment tendered by the union in accordance with subsection (2).

(4) No person shall cancel or threaten to cancel an employee's membership in a benefit plan if the union tenders payment in accordance with subsection (2).

(5) On the request of the union, the employer shall provide the union with any information required to enable the union to make the payments mentioned in subsection (2).

2013, c.S-15.1, s.6-36.

Reinstatement of employees after strike or lockout

6-37(1) Following the conclusion of a strike or lockout, if an employer and a union have not reached an agreement for reinstating striking or locked-out employees, the employer shall reinstate striking or locked-out employees in accordance with this section.

(2) Subject to subsection (3), an employer shall reinstate each striking or locked-out employee to the position that the employee held when the strike or lockout began.

(3) If there is not sufficient work for all striking or locked-out employees after the conclusion of a strike or lockout, the employer shall:

(a) reinstate striking or locked-out employees:

(i) in accordance with any provisions in the collective agreement respecting recall based on seniority as defined in the collective agreement in force in that bargaining unit; or

(ii) if there are no provisions in the collective agreement respecting recall based on seniority, in accordance with each employee's length of service, as determined when the strike or lockout began, in relation to the length of service of other employees in the bargaining unit who were employed when the strike or lockout began; and

(b) provide to striking or locked-out employees who are not reinstated notice of layoff or pay instead of notice:

(i) in accordance with the collective agreement;

(ii) in accordance with a back-to-work protocol agreed to by the employer and the union, notwithstanding Subdivision 12 of Division 2 of Part II; or

(iii) if there is no back-to-work protocol or collective agreement in force, in accordance with Subdivision 12 of Division 2 of Part II.

(4) Striking or locked-out employees are entitled to displace any persons who were hired to perform the work of striking or locked-out employees during the strike or lockout.

(5) An employer is not in contravention of subsection (2) or (3) if:

(a) the employer claims that the employee has been terminated for a cause for which the employee might have been discharged; and

(b) either:

(i) the termination has not been grieved; or

(ii) if the termination has been grieved, the grievance process has not resulted in the reinstatement of the employee.

(6) Notwithstanding any provision in a collective agreement, the time worked by an employee during a strike or lockout does not constitute accrued service for the purposes of computing seniority unless the employee was working with the consent of the union.

2013, c.S-15.1, s.6-37.

DIVISION 9
Collective Agreements

Subdivision 1
Ratification of and Length of Collective Agreements

Ratification vote

6-38(1) If a ratification vote is required by one or both of the parties to confirm the acceptance of a collective agreement, no union or employer shall fail to:

(a) commence the process of conducting the vote within 14 days after the date on which the collective agreement was reached; and

(b) conclude the vote mentioned in clause (a) within 60 days after the date on which the collective agreement was reached.

(2) All members of the union who are in the bargaining unit affected by the collective agreement mentioned in subsection (1) are entitled to vote in the ratification vote.

2013, c.S-15.1, s.6-38.

Period for which collective agreements remain in force

6-39(1) Except as provided in this Subdivision, every collective agreement remains in force:

(a) for the term provided for in the collective agreement; and

(b) after the expiry of the term mentioned in clause (a), from year to year.

(2) Subject to subsection (3) and section 6-40, a collective agreement is deemed to have a term of one year after the date on which it becomes effective if the collective agreement:

(a) does not provide for a term;

(b) provides for an unspecified term; or

(c) provides for a term of less than one year.

(3) The term of a collective agreement concluded pursuant to section 6-25 is:

(a) two years after the date on which it becomes effective; or

(b) any longer term that the parties agree on.

2013, c.S-15.1, s.6-39.

Authority of board to vary expiry dates in certain circumstances

6-40(1) This section applies if:

(a) a union is, by its locals, councils or otherwise, a party to two or more collective agreements affecting employees employed by the same employer in two or more plants or establishments; and

(b) the expiry dates of the collective agreements mentioned in clause (a) are not the same.

(2) Notwithstanding section 6-39, the board may, by order, fix a date as the expiry date of all the collective agreements if:

(a) the board receives an application to do so from the union or the employer; and

(b) in the opinion of the board, having regard to the interests of all parties that might be affected, it is appropriate to make the order.

2013, c.S-15.1, s.6-40.

Subdivision 2
General Matters

Parties bound by collective agreement

6-41(1) A collective agreement is binding on:

(a) a union that:

(i) has entered into it; or

(ii) becomes subject to it in accordance with this Part;

(b) every employee of an employer mentioned in clause (c) who is included in or affected by it; and

(c) an employer who has entered into it.

(2) A person bound by a collective agreement, whether entered into before or after the coming into force of this Part, must, in accordance with the provisions of the collective agreement:

(a) do everything the person is required to do; and

(b) refrain from doing anything the person is required to refrain from doing.

(3) A failure to meet a requirement of subsection (2) is a contravention of this Part.

(4) If an agreement is reached as the result of collective bargaining, both parties shall execute it.

(5) Nothing in this section requires or authorizes a person to do anything that conflicts with a requirement of this Part.

(6) If there is any conflict between a provision of a collective agreement and a requirement of this Part, the requirement of this Part prevails.

2013, c.S-15.1, s.6-41.

Union security clause

6-42(1) On the request of a union representing employees in a bargaining unit, the following clause must be included in any collective agreement entered into between that union and the employer concerned:

"1. Every employee who is now or later becomes a member of the union shall maintain membership in the union as a condition of the employee's employment.

"2. Every new employee shall, within 30 days after the commencement of the employee's employment, apply for and maintain membership in the union, and maintain membership in the union as a condition of the employee's employment.

"3. Notwithstanding paragraphs 1 and 2, any employee in the bargaining unit who is not required to maintain membership or apply for and maintain membership in the union shall, as a condition of the employee's employment, tender to the union the periodic dues uniformly required to be paid by the members of the union".

(2) Whether or not any collective agreement is in force, the clause mentioned in subsection (1) is effective and its terms must be carried out by that employer with respect to the employees on and after the date of the union's request until the employer is no longer required by this Part to engage in collective bargaining with that union.

(3) In the clause mentioned in subsection (1), **"the union"** means the union making the request.

(4) Failure on the part of any employer to carry out the provisions of subsections (1) and (2) is an unfair labour practice.

(5) Subsection (6) applies if:

(a) membership in a union is a condition of employment; and

(b) either:

(i) membership in the union is not available to an employee on the same terms and conditions generally applicable to other members; or

(ii) an employee is denied membership in the union or the employee's membership is terminated for reasons other than the failure of the employee to tender the periodic dues, assessments and initiation fees uniformly required to be paid by all other members of the union as a condition of acquiring or maintaining membership.

(6) In the circumstances mentioned in subsection (5), if the employee tenders payment of the periodic dues, assessments and initiation fees uniformly required as a condition of acquiring and maintaining membership, the employee:

(a) is deemed to maintain membership in the union for the purposes of this section; and

(b) shall not lose membership in the union for the purposes of this section for failure to pay any dues, assessments and initiation fees that are not uniformly required of all members or that in their application discriminate against any member or members.

2013, c.S-15.1, s.6-42.

Employer to deduct dues

6-43(1) On the request in writing of an employee and on the request of a union or union local representing the employees in the bargaining unit, the employer shall deduct and pay in periodic payments out of the wages due to the employee the union dues, assessments and initiation fees of the employee.

(2) The employer shall pay the dues, assessments and initiation fees mentioned in subsection (1) to the union or union local representing the employee.

(3) The employer shall provide to the union or union local the names of the employees who have given their authority to have the dues, assessments and initiation fees mentioned in subsection (1) paid to the union or union local.

(4) Failure to make payments or provide information required by this section is an unfair labour practice.

2013, c.S-15.1, s.6-43.

Copies of collective agreements to be filed with minister

6-44(1) Each of the parties to a collective agreement or any document altering, modifying or amending a collective agreement shall file one copy of the collective agreement or document with the minister.

(2) The copy mentioned in subsection (1) must be filed promptly after execution of the collective agreement or document.

(3) The minister shall cause every copy filed pursuant to subsection (1) to be made available for inspection by any person.

2013, c.S-15.1, s.6-44.

Subdivision 3
Resolution of Collective Agreement Disputes

Arbitration to settle disputes

6-45(1) Subject to subsections (2) and (3), all disputes between the parties to a collective agreement or persons bound by the collective agreement or on whose behalf the collective agreement was entered into respecting its meaning, application or alleged contravention, including a question as to whether a matter is arbitrable, are to be settled by arbitration after exhausting any grievance procedure established by the collective agreement.

(2) Subsection (1) does not prevent the director of employment standards as defined in Part II or the director of occupational health and safety as defined in Part III from exercising that director's powers pursuant to this Act.

(3) Without restricting the generality of subsection (2), the director of employment standards may issue wage assessments, issue hearing notices, take action to collect outstanding wages or take any other action authorized pursuant to Part II that the director of employment standards considers appropriate to enforce the claim of an employee who is bound by a collective agreement.

2013, c.S-15.1, s.6-45.

Arbitration procedure – single arbitrator

6-46(1) Arbitration must be conducted in accordance with:

(a) subject to subsection (2), the procedures set out in the collective agreement;

(b) if the collective agreement does not provide procedures, the procedures set out in this section; or

(c) if the parties agree, section 6-47.

(2) Notwithstanding the terms of the collective agreement, the parties may agree to use the procedures set out in this section for settling disputes mentioned in section 6-45.

(3) After exhausting any grievance procedure established by the collective agreement, a party may notify the other party in writing that it intends to submit the dispute to arbitration.

(4) The notice mentioned in subsection (3) must contain the name of the person, or a list of names of persons, that the party that gives the notice is willing to accept as a single arbitrator.

(5) Within seven days after receiving a notice mentioned in subsection (3), the party that receives the notice shall:

(a) notify the party that gives the notice that it accepts the name of an arbitrator set out in the notice, and the dispute shall proceed to arbitration; or

(b) if it does not accept the name of an arbitrator set out in the notice, notify the party and send that party a list of names of persons that it is willing to accept as the arbitrator.

(6) If the parties cannot agree on an arbitrator within a further period of seven days, either party may ask the minister to appoint an arbitrator.

(7) No person is eligible to be appointed as an arbitrator or shall act as an arbitrator if the person:

(a) has a pecuniary interest in a matter before the arbitrator; or

(b) is acting or has, within a period of one year before the date on which notice of intention to submit the matter to arbitration is given, acted as lawyer or agent of any of the parties to the arbitration.

(8) The arbitrator shall:

(a) hear:

(i) evidence adduced relating to the dispute; and

(ii) argument by the parties or their lawyer or agent; and

(b) make a decision on the matter or matters in dispute.

2013, c.S-15.1, s.6-46.

Arbitration procedure – arbitration board

6-47(1) On agreement, the parties may use the procedures set out in this section for the settlement of disputes mentioned in section 6-45.

(2) After exhausting any grievance procedure established by the collective agreement, a party may notify the other party in writing that it intends to submit the dispute to arbitration by an arbitration board.

(3) The notice mentioned in subsection (2) must contain the name of the person to be appointed to the arbitration board by the party that gives the notice.

(4) Within seven days after receiving the notice mentioned in subsection (2), the party receiving the notice shall:

(a) inform the other party whether it agrees to submit the matter to arbitration before an arbitration board; and

(b) if the party agrees pursuant to clause (a):

(i) name the person whom it appoints to the arbitration board; and

(ii) provide the name of its appointee to the other party.

(5) If the party receiving the notice mentioned in subsection (2) has agreed to submit the matter to an arbitration board and fails to appoint a member of the arbitration board, the minister, on the request of a party, shall appoint a member on behalf of the party failing to make an appointment.

(6) Within seven days after the appointment of the second member of the arbitration board, the two appointees named by or for the parties shall appoint a third member of the arbitration board, who shall be the chairperson of the arbitration board.

(7) If the two appointees named by or for the parties fail to agree on the appointment of a third member of the arbitration board within the time specified in subsection (6), the minister, on the request of a party, shall appoint the third member.

(8) The member of the arbitration board appointed pursuant to subsection (7) is the chairperson of the arbitration board.

(9) No person is eligible to be appointed as a member of an arbitration board or shall act as a member of an arbitration board if the person:

(a) has a pecuniary interest in a matter before the arbitration board; or

(b) is acting or has, within a period of one year before the date on which notice of intention to submit the matter to arbitration is given, acted as lawyer or agent of any of the parties to the arbitration.

(10) The arbitration board shall:

(a) hear:

(i) evidence adduced relating to the dispute; and

(ii) argument by the parties or their lawyer or agent; and

(b) make a decision on the matter or matters in dispute.

(11) The decision of the majority of the members of an arbitration board or, if there is no majority decision, the decision of the chairperson of the arbitration board is the decision of the arbitration board.

(12) If the minister appoints a member of an arbitration board pursuant to subsection (5), the party who failed to make the appointment shall pay the remuneration and expenses of the person so appointed.

(13) Each of the parties shall pay an equal share of the remuneration and expenses of a person appointed pursuant to subsection (6) or (7) as the third member of an arbitration board.

2013, c.S-15.1, s.6-47.

Arbitration re termination or suspension

6-48(1) Whether there is just cause for the termination or suspension of an employee may be determined by arbitration if:

(a) no collective agreement is in force;

(b) the board has issued a certification order;

(c) the employee is terminated or suspended for a cause other than shortage of work; and

(d) the termination or suspension is not, and has not been, the subject of an application to the board respecting a matter mentioned in clause 6-62(1)(g).

(2) If an arbitration is conducted pursuant to subsection (1), it is to be conducted in accordance with section 6-46.

(3) The arbitrator shall determine any dispute respecting the application of this section.

2013, c.S-15.1, s.6-48.

Rules of arbitration

6-49(1) Subsections (2) to (4) apply to all arbitrations required to be conducted in accordance with sections 6-45 to 6-48.

(2) The finding of an arbitrator or arbitration board:

(a) is final and conclusive;

(b) is binding on the parties with respect to all matters within the legislative jurisdiction of Saskatchewan; and

(c) is enforceable in the same manner as a board order made pursuant to this Part.

(3) An arbitrator or an arbitration board may:

(a) exercise the powers that are vested in the Court of King's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise; and

(iii) to compel witnesses to produce documents or things;

(b) administer oaths and affirmations;

(c) receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the arbitrator or arbitration board considers appropriate, whether admissible in a court of law or not;

(d) enter any premises where work is being done or has been done by the employees or in which the employer carries on business, or where anything is taking place or has taken place concerning any disputes submitted to the arbitrator or arbitration board and:

(i) inspect and view any work, material, machinery, appliance or article in that place; and

(ii) question any person respecting any thing or any matter;

(e) authorize any person to do anything that the arbitrator or arbitration board may do pursuant to clause (d) and report to the arbitrator or arbitration board on anything done;

(f) relieve, on terms that in the arbitrator's or arbitration board's opinion are just and reasonable, against breaches of time limits set out in the collective agreement with respect to a grievance procedure or an arbitration procedure;

(g) dismiss or reject an application or grievance or refuse to settle a dispute if, in the opinion of the arbitrator or arbitration board:

(i) there has been unreasonable delay by the person bringing the application or grievance or requesting the settlement; and

(ii) the delay has operated to the prejudice or detriment of the other party; and

(h) encourage settlement of the dispute and, with the agreement of the parties, may use mediation or other procedures to encourage settlement at any time during the arbitration.

(4) An arbitrator or arbitration board may substitute any other penalty for the termination or discipline of an employee that the arbitrator or arbitration board considers just and reasonable in the circumstances if:

(a) the arbitrator or arbitration board determines that an employee has been terminated or otherwise disciplined by an employer; and

(b) the collective agreement governing in whole or in part the employment of the employee by the employer does not contain a specific penalty for the infraction that is the subject-matter of the arbitration.

2013, c.S-15.1, s.6-49; 2024, c4, s.32.

When arbitration decision must be given

6-50(1) An arbitrator shall give a decision within 30 days after the conclusion of the hearing of the matter submitted to arbitration.

(2) An arbitration board shall give a decision within 60 days after the conclusion of the hearing of the matter submitted to arbitration.

(3) The time for giving a decision pursuant to subsection (1) or (2) may be extended with the consent of the parties to the arbitration.

(4) If an arbitrator or arbitration board gives an oral decision:

(a) subsections (1) and (2) do not apply; and

(b) on the request of either party, the arbitrator or arbitration board shall give written reasons for the decision within a reasonable time.

2013, c.S-15.1, s.6-50.

Paying costs of arbitration

6-51(1) Subject to subsections 6-47(12) and (13) and to subsection (2), each of the parties to an arbitration shall pay an equal share of the remuneration and expenses of an arbitrator or arbitration board appointed pursuant to this Part.

(2) If an arbitrator or arbitration board does not give a decision within the time required pursuant to subsection 6-50(1) or (2) or an extension of time consented to pursuant to subsection 6-50(3), the parties to the arbitration are not responsible for payment of the remuneration and expenses of the arbitrator or arbitration board.

2013, c.S-15.1, s.6-51.

***The Arbitration Act, 1992* not to apply**

6-52 *The Arbitration Act, 1992* does not apply to any arbitration pursuant to this Part.

2013, c.S-15.1, s.6-52.

Mediation for grievance

6-53(1) After exhausting any grievance procedure established by the collective agreement, the parties may agree to request the director of labour relations to appoint a labour relations officer to assist the parties to resolve the dispute.

(2) If a labour relations officer is appointed pursuant to this section, any limitation of time in the collective agreement is deemed to be suspended for the period of the appointment.

2013, c.S-15.1, s.6-53.

DIVISION 10
Technological Change and Organizational Change

Technological change and organizational change

6-54(1) In this Division:

(a) **"organizational change"** means the removal or relocation outside of the bargaining unit by an employer of any part of the employer's work, undertaking or business;

(b) **"technological change"** means:

(i) the introduction by an employer into the employer's work, undertaking or business of equipment or material of a different nature or kind than previously utilized by the employer in the operation of the work, undertaking or business; or

(ii) a change in the manner in which the employer carries on the work, undertaking or business that is directly related to the introduction of the equipment or material mentioned in subclause (i).

(2) An employer whose employees are represented by a union and who proposes to effect a technological change or organizational change that is likely to affect the terms, conditions or tenure of employment of a significant number of the employees shall give notice of the technological change or organizational change to the union and to the minister at least 90 days before the date on which the technological change or organizational change is to take effect.

(3) The notice mentioned in subsection (2) must be in writing and must state:

(a) the nature of the technological change or organizational change;

(b) the date on which the employer proposes to effect the technological change or organizational change;

(c) the number and type of employees likely to be affected by the technological change or organizational change;

(d) the effect that the technological change or organizational change is likely to have on the terms, conditions or tenure of employment of the employees affected; and

(e) any other prescribed information.

(4) The Lieutenant Governor in Council may make regulations specifying the number of employees that is deemed to be "significant" for the purpose of subsection (2) or the method of determining that number.

2013, c.S-15.1, s.6-54.

Application to board for an order re technological change or organizational change

6-55(1) A union may apply to the board for an order pursuant to this section if the union believes that an employer has failed to comply with section 6-54.

(2) An application pursuant to this section must be made not later than 30 days after the union knew or, in the opinion of the board, ought to have known of the failure of the employer to comply with section 6-54.

(3) On an application pursuant to this section and after giving the parties an opportunity to be heard, the board may, by order, do all or any of the following:

(a) direct the employer not to proceed with the technological change or organizational change for any period not exceeding 90 days that the board considers appropriate;

(b) require the reinstatement of any employee displaced by the employer as a result of the technological change or organizational change;

(c) if an employee is reinstated pursuant to clause (b), require the employer to reimburse the employee for any loss of pay suffered by the employee as a result of the employee's displacement.

(4) A board order made pursuant to clause (3)(a) is deemed to be a notice of technological change or organizational change given pursuant to section 6-54.

2013, c.S-15.1, s.6-55.

Workplace adjustment plans

6-56(1) If a union receives notice of a technological change or organizational change given, or deemed to have been given, by an employer pursuant to section 6-54 or 6-55, the union may serve notice on the employer in writing to commence collective bargaining for the purpose of developing a workplace adjustment plan.

(2) The written notice mentioned in subsection (1) must be served within 30 days after the date on which the union received or was deemed to have received the notice.

(3) On receipt of a notice pursuant to subsection (1), the employer and the union shall meet for the purpose of collective bargaining with respect to a workplace adjustment plan.

(4) A workplace adjustment plan may include provisions with respect to any of the following:

(a) consideration of alternatives to the proposed technological change or organizational change, including amendment of provisions in the collective agreement;

(b) human resource planning and employee counselling and retraining;

(c) notice of termination;

(d) severance pay;

(e) entitlement to pension and other benefits, including early retirement benefits;

(f) a bipartite process for overseeing the implementation of the workplace adjustment plan.

(5) Not later than 45 days after the union received a notice of technological change or organizational change pursuant to section 6-54, the employer or the union may request the director of labour relations to direct a labour relations officer to assist the parties in collective bargaining with respect to a workplace adjustment plan.

(6) If a union has served notice to commence collective bargaining pursuant to subsection (1), the employer shall not effect the technological change or organizational change with respect to which the notice has been served unless:

(a) a workplace adjustment plan has been developed as a result of collective bargaining;

(b) the minister has been served with a notice in writing informing the minister that the parties have engaged in collective bargaining and have failed to develop a workplace adjustment plan; or

(c) a period of 90 days has elapsed since the notice pursuant to subsection (1) has been served.

2013, c.S-15.1, s.6-56.

When Division does not apply

6-57(1) This Division does not apply if:

(a) a collective agreement contains provisions that are intended to assist employees affected by any technological change or organizational change to adjust to the effects of the technological change or organizational change; or

(b) subject to subsection (2), on the application of the employer, the board relieves the employer from complying with this Division.

(2) The board may make an order pursuant to clause (1)(b) only if the board is satisfied that the technological change or organizational change must be implemented promptly to prevent permanent damage to the employer's operations.

2013, c.S-15.1, s.6-57.

DIVISION 11
Unions and Union Members

Internal union affairs

6-58(1) Every employee who is a member of a union has a right to the application of the principles of natural justice with respect to all disputes between the employee and the union that is his or her bargaining agent relating to:

(a) matters in the constitution of the union;

(b) the employee's membership in the union; or

(c) the employee's discipline by the union.

(2) A union shall not expel, suspend or impose a penalty on a member or refuse membership in the union to a person, or impose any penalty or make any special levy on a person as a condition of admission to membership in the union if:

(a) in doing so the union acts in a discriminatory manner; or

(b) the grounds the union proposes to act on are that the member or person has refused or failed to participate in activity prohibited by this Act.

2013, c.S-15.1, s.6-58.

Fair representation

6-59(1) An employee who is or a former employee who was a member of the union has a right to be fairly represented by the union that is or was the employee's or former employee's bargaining agent with respect to the employee's or former employee's rights pursuant to a collective agreement or this Part.

(2) Without restricting the generality of subsection (1), a union shall not act in a manner that is arbitrary, discriminatory or in bad faith in considering whether to represent or in representing an employee or former employee.

2013, c.S-15.1, s.6-59.

Applications re breach of duty of fair representation

6-60(1) Subject to subsection (2), on an application by an employee or former employee to the board alleging that the union has breached its duty of fair representation, in addition to any other remedies the board may grant, the board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of that time, if the board is satisfied that:

(a) the denial of fair representation has resulted in loss of employment or substantial amounts of work by the employee or former employee;

(b) there are reasonable grounds for the extension; and

(c) the employer will not be substantially prejudiced by the extension, either as a result of an order that the union compensate the employer for any financial loss or otherwise.

(2) The board may impose any conditions that it considers necessary on an order made pursuant to subsection (1).

2013, c.S-15.1, s.6-60.

Financial statement of unions

6-61(1) Within six months after the end of a union's fiscal year, the union shall make available without charge:

(a) to each of its members the audited financial statement of its affairs to the end of the preceding fiscal year, signed by its president and treasurer or corresponding principal officers;

(b) to each of its members who are in a bargaining unit the unaudited financial statement of that bargaining unit; and

(c) to each of its members any prescribed information.

(2) The financial statements mentioned in subsection (1) must contain information in sufficient detail to disclose accurately the financial condition and operation of the union for its preceding fiscal year.

(3) On the complaint of a member that the union has failed to comply with subsection (1), the board may order the union to provide to each of its members the financial statements and information required by this section to be provided.

(4) The financial statements mentioned in subsection (1) must be provided by:

(a) personally giving them to the member;

(b) mailing them to the member;

(c) posting them in the workplace;

(d) posting them online on a secure website to which the member has access; or

(e) providing them in any other manner that ensures that the member will receive the statements.

2013, c.S-15.1, s.6-61.

DIVISION 12
Unfair Labour Practices

Unfair labour practices – employers

6-62(1) It is an unfair labour practice for an employer, or any person acting on behalf of the employer, to do any of the following:

(a) subject to subsection (2), to interfere with, restrain, intimidate, threaten, or coerce an employee in the exercise of any right conferred by this Part;

(b) subject to subsection (3), to discriminate respecting or interfere with the formation or administration of any labour organization or to contribute financial or other support to it;

(c) to engage in collective bargaining with a labour organization that the employer or a person acting on behalf of an employer has formed or whose administration has been dominated by the employer or a person acting on behalf of an employer;

(d) to fail or refuse to engage in collective bargaining with representatives of a union representing the employees in a bargaining unit whether or not those representatives are the employees of the employer;

(e) to refuse to permit a duly authorized representative of a union with which the employer has entered into a collective agreement or that represents the employees in a bargaining unit of the employer to negotiate with the employer during working hours for the settlement of disputes and grievances of:

(i) employees covered by the agreement; or

(ii) employees in the bargaining unit;

(f) to make any deductions from the wages of any duly authorized representative of a union respecting the time actually spent in negotiating for the settlement of the disputes and grievances mentioned in clause (e);

(g) to discriminate with respect to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind, including termination or suspension or threat of termination or suspension of an employee, with a view to encouraging or discouraging membership in or activity in or for or selection of a labour organization or participation of any kind in a proceeding pursuant to this Part;

(h) to require as a condition of employment that any person shall abstain from joining or assisting or being active in any union or from exercising any right provided by this Part, except as permitted by this Part;

(i) to interfere in the selection of a union;

(j) to maintain a system of industrial espionage or to employ or direct any person to spy on a union member or on the proceedings of a labour organization or its offices or on the exercise by any employee of any right provided by this Part;

(k) to threaten to shut down or move a plant, business or enterprise or any part of a plant, business or enterprise in the course of a labour-management dispute;

(l) to declare or cause a lockout or to make or threaten any change in wages, hours, conditions or tenure of employment, benefits or privileges while any matter is pending before a labour relations officer, special mediator or conciliation board appointed pursuant to this Part;

(m) unless a union has not tendered payment as authorized by section 6-36, to deny or threaten to deny to any employee any benefit plan, as defined in section 6-36, that the employee enjoyed before the cessation of work or the exercise of any rights conferred by this Part:

(i) by reason of the employee ceasing to work as the result of a lockout or while taking part in a stoppage of work due to a labour-management dispute if that lockout or stoppage of work has been:

(A) imposed by the employer; or

(B) called in accordance with this Part by the union representing the employee; or

(ii) by reason of the employee exercising any of those rights;

(n) before a first collective agreement is entered into or after the expiry of the term of a collective agreement, to unilaterally change rates of pay, hours of work or other conditions of employment of employees in a bargaining unit without engaging in collective bargaining respecting the change with the union representing the employees in the bargaining unit;

(o) if one or more employees are permitted or required to live in premises supplied by, or by arrangement with, the employer, to refuse, deny, restrict or limit the right of the employee or employees to allow access to the premises by members of any union representing or seeking to represent the employee or employees or any of them for the purpose of collective bargaining;

(p) to question employees as to whether they or any of them have exercised, or are exercising or attempting to exercise, any right conferred by this Part;

(q) to terminate an employee for failure to acquire or maintain membership in a union, in circumstances where membership is a condition of employment, if the employee complies with subsections 6-42(5) and (6);

(r) to contravene an obligation, a prohibition or other provision of this Part imposed on or applicable to an employer.

(2) Clause (1)(a) does not prohibit an employer from communicating facts and its opinions to its employees.

(3) Clause (1)(b) does not prohibit an employer from:

(a) permitting representatives of a union to confer with the employer for the purpose of collective bargaining or attending to the business of a union without deductions from wages or loss of time while so occupied; or

(b) agreeing with any union for the use of notice boards and of the employer's premises for the purposes of the union.

(4) For the purposes of clause (1)(g), there is a presumption in favour of an employee that the employee was terminated or suspended contrary to this Part if:

(a) an employer or person acting on behalf of the employer terminates or suspends an employee from employment; and

(b) it is shown to the satisfaction of the board or the court that employees of the employer or any of them had exercised or were exercising or attempting to exercise a right pursuant to this Part.

(5) For the purposes of subsection (4), the burden of proof that the employee was terminated or suspended for good and sufficient reason is on the employer.

(6) If a certification order has been issued, nothing in this Part precludes an employer from making an agreement with the union that:

(a) requires as a condition of employment:

(i) membership in or maintenance of membership in the union; or

(ii) the selection of employees by or with the advice of a union; or

(b) deals with any other condition in relation to employment.

(7) No employer shall be found guilty of an unfair labour practice contrary to clause (1)(d), (e), (f) or (n):

(a) unless the board has made an order determining that the union making the complaint has been named in the certification order as the bargaining agent of the employees; or

(b) if the employer shows to the satisfaction of the board that the employer did not know and did not have any reasonable grounds for believing, at the time when the employer committed the acts complained of, that:

(i) the union represented the employees; or

(ii) the employees were actively endeavouring to have a union represent them.

2013, c.S-15.1, s.6-62; 2020, c 12, s.18.

Unfair labour practices – unions, employees

6-63(1) It is an unfair labour practice for an employee, union or any other person to do any of the following:

(a) subject to subsection (2), to interfere with, restrain, intimidate, threaten or coerce an employee with a view to encouraging or discouraging membership in or activity in or for a labour organization;

(b) to commence to take part in or persuade an employee to take part in a strike while any matter is pending before a labour relations officer or special mediator who is appointed pursuant to this Part or a conciliation board established pursuant to this Part;

(c) to fail or refuse to engage in collective bargaining with the employer respecting employees in a bargaining unit if a certification order has been issued for that unit;

(d) to declare, authorize or take part in a strike unless:

(i) a strike vote is taken; and

(ii) a majority of the employees who vote do vote in favour of a strike;

(e) notwithstanding that membership in the union is a condition of employment, to seek or take steps to have an employee terminated for failure to acquire or maintain membership in a union if the employee complies with subsections 6-42(5) and (6);

(f) to use coercion or intimidation of any kind against an employee with a view to discouraging activity that might lead to the cancellation of a certification order;

(g) if the union is replaced as the bargaining agent or if a certification order is cancelled:

(i) to fail or refuse to facilitate the orderly transfer or transition of any benefit plan, program or trust that is administered or controlled by the union to the new union or to the employees; or

(ii) to fail to ensure so far as is practicable, that the benefits that an employee is receiving under a plan, program or trust mentioned in subclause (i) are continued by facilitating the transfer, assignment, joint administration or division of any contract, fund, asset or liability that relates to the benefits of those employees;

(h) to contravene an obligation, a prohibition or other provision of this Part imposed on or applicable to a union or an employee.

(2) If a certification order has been issued, nothing in this Part precludes a person acting on behalf of the union from attempting to persuade an employer to make an agreement with the union that requires as a condition of employment:

(a) membership in or maintenance of membership in the union; or

(b) the selection of employees by or with the advice of a union.

2013, c.S-15.1, s.6-63; 2020, c 12, s.19.

DIVISION 13
Construction Industry

Subdivision 1
Preliminary Matters for Division

Purpose of Division

6-64(1) The purpose of this Division is to permit collective bargaining to occur in the construction industry on the basis of either or both of the following:

(a) by trade on a province-wide basis;

(b) on a project basis.

(2) Nothing in this Division:

(a) precludes a union from seeking an order to be certified as a bargaining agent for a unit of employees consisting of:

(i) employees of an employer in more than one trade or craft; or

(ii) all employees of the employer; or

(b) limits the right to obtain an order to be certified as a bargaining agent to those unions that are referred to in a determination made by the minister pursuant to section 6-66.

(3) This Division does not apply to an employer and a union with respect to a certification order mentioned in subsection (2).

(4) If a unionized employer becomes subject to a certification order mentioned in subsection (2) with respect to its employees, the employer is no longer governed by this Division for the purposes of that bargaining unit.

(5) If there is a conflict between a provision of this Division and any other Division or any other Part of this Act as the conflict relates to collective bargaining in the construction industry, the provision of this Division prevails.

2013, c.S-15.1, s.6-64.

Interpretation of Division

6-65 In this Division:

(a) **"construction industry"**:

(i) means the industry in which the activities of constructing, erecting, reconstructing, altering, remodelling, repairing, revamping, renovating, decorating or demolishing of any building, structure, road, sewer, water main, pipeline, tunnel, shaft, bridge, wharf, pier, canal, dam or any other work or any part of a work are undertaken; and

(ii) includes all activities undertaken with respect to all machinery, plant, fixtures, facilities, equipment, systems and processes contained in or used in connection with a work mentioned in subclause (i), but does not include maintenance work;

(b) **"employers' organization"** means an organization of unionized employers that has, as one of its objectives, the objective of engaging in collective bargaining on behalf of unionized employers;

(c) **"project agreement"** means an agreement mentioned in section 6-67;

(d) **"representative employers' organization"** means an employers' organization that:

(i) is the exclusive agent to engage in collective bargaining on behalf of all unionized employers in a trade division; and

(ii) if applicable, may be a bargaining agent to engage in collective bargaining on behalf of unionized employers that are parties to a project agreement;

(e) **"sector of the construction industry"** means any of the following sectors of the construction industry:

(i) the commercial, institutional and industrial sector;

(ii) the residential sector;

(iii) the sewer, tunnel and water main sector;

(iv) the pipeline sector;

(v) the road building sector;

(vi) the powerline transmission sector;

(vii) any prescribed sector;

(f) **"trade division"** means a trade division established by the minister in accordance with section 6-66;

(g) **"unionized employee"** means an employee who is employed by a unionized employer and with respect to whom a union has established the right to engage in collective bargaining with the unionized employer;

(h) **"unionized employer"**, subject to section 6-69, means an employer:

(i) with respect to whom a certification order has been issued for a bargaining unit comprised of unionized employees working in a trade for which a trade division has been established pursuant to section 6-66; or

(ii) who has recognized a union as the agent to engage in collective bargaining on behalf of unionized employees working in a trade for which a trade division has been established pursuant to section 6-66.

2013, c.S-15.1, s.6-65.

Subdivision 2
Trade Divisions and Project Agreements

Trade divisions

6-66(1) The minister may, by order, establish one or more trade divisions comprising all unionized employers in one or more sectors of the construction industry, with each trade division being restricted to unionized employers that are:

(a) in a trade; or

(b) in an identifiable category or group of unionized employers in a trade.

(2) Before establishing a trade division pursuant to subsection (1), the minister shall:

(a) conduct, or cause to be conducted, any inquiry or consultation that the minister considers necessary;

(b) consider any request of unionized employers and a union to establish a trade division based on an agreement between the employers and the union; and

(c) if a request mentioned in clause (b) is received, make a decision whether to establish the requested trade division within 90 days after receiving the request.

(3) The minister may amend or cancel an order establishing a trade division:

(a) with the consent of:

(i) the representative employers' organization that represents all unionized employers in the trade division; and

(ii) the union or council of unions that is the bargaining agent of all unionized employees in the trade division; or

(b) without the consents mentioned in clause (a) in accordance with subsection (4).

(4) Before the minister amends or cancels an order establishing a trade division without the consent of the representative employers' organization and the union or council of unions, the minister shall:

(a) inform the representative employers' organization and the union or council of unions of the minister's intention to amend or cancel the order establishing the trade division;

(b) provide the representative employers' organization and the union or council of unions with an opportunity to make representations to the minister; and

(c) as soon as possible after amending or cancelling the order, provide the representative employers' organization and the union or council of unions with a copy of the order and with a written decision setting out reasons for the order.

2013, c.S-15.1, s.6-66.

Project agreements

6-67 Notwithstanding section 6-66, a collective agreement that is to be effective during the term of a project may be negotiated among:

(a) one or more unions;

(b) if applicable, one or more representative employers' organizations; and

(c) one or more project owners.

2013, c.S-15.1, s.6-67.

Subdivision 3
Unionized Employers

Rights and duties of unionized employers

6-68 Subject to the other provisions of this Division, a unionized employer has the right, in the manner set out in this Division:

(a) to organize, form and assist in an employers' organization;

(b) to join the representative employers' organization and participate in its activities in the trade division within which the employer operates; and

(c) to engage in collective bargaining through the representative employers' organization mentioned in clause (b).

2013, c.S-15.1, s.6-68.

Subdivision 4
Representative Employers' Organizations

Determination of representative employers' organizations

6-69(1) In this section, **"unionized employer"** means a unionized employer who is actively involved in the construction industry in Saskatchewan and who, in the one-year period before the date of an application pursuant to this section, employed one or more unionized employees in the trade division with respect to which the application is made.

(2) An employers' organization may apply to the board for an order determining it to be the representative employers' organization for all unionized employers in a trade division:

(a) if the minister has established a new trade division; or

(b) for an existing trade division if the applicant employers' organization establishes that it has the support of the unionized employers in the trade division in accordance with subsection (4).

(3) When considering an application pursuant to clause (2)(a), the board may, in addition to exercising its other powers:

(a) determine whether an employer is a unionized employer;

(b) if there is more than one employers' organization that intends to be the representative employers' organization, order a vote; and

(c) order that the employers' organization that received the most votes is the representative employers' organization for the trade division.

(4) When considering an application pursuant to clause (2)(b), the board, on being satisfied that the applicant employers' organization has the support of 45% of unionized employers in the trade division, shall:

(a) order a vote; and

(b) issue an order that the employers' organization that received a majority of the votes is the representative employers' organization for that trade division.

(5) For the purposes of a vote pursuant to this section, each unionized employer is entitled to only one vote.

(6) An application pursuant to clause (2)(b) may be made only during the month of January in any year.

(7) If a vote of unionized employers is required in accordance with subsection (3) or (4), Division 5 applies, with any necessary modification, to the board's role in the vote and in the manner of conducting the vote.

(8) If an employers' organization is determined to be the representative employers' organization in a trade division with an existing collective agreement, that collective agreement remains in force and shall be administered by the representative employers' organization.

2013, c.S-15.1, s.6-69.

Effect of determination

6-70(1) When an employers' organization is determined to be the representative employers' organization for a trade division:

(a) the representative employers' organization is the exclusive agent to engage in collective bargaining on behalf of all unionized employers in the trade division;

(b) a union representing the unionized employees in the trade division shall engage in collective bargaining with the representative employers' organization with respect to the unionized employees in the trade division;

(c) a collective agreement between the representative employers' organization and a union or council of unions is binding on the unionized employers in the trade division;

(d) no other employers' organization has the right to interfere with the negotiation of a collective agreement or veto any proposed collective agreement negotiated by the representative employers' organization; and

(e) a collective agreement respecting the trade division that is made after the determination of the representative employers' organization with any person or organization other than the representative employers' organization is void.

(2) If an employers' organization is determined to be the representative employers' organization for more than one trade division, only the unionized employers in a trade division are entitled to make decisions with respect to negotiating and concluding a collective agreement on behalf of the unionized employers in that trade division.

(3) Subsection (1) applies to the following:

(a) an employer who subsequently becomes a unionized employer in a trade division;

(b) a unionized employer who subsequently becomes engaged in the construction industry in a trade division.

(4) A unionized employer mentioned in subsection (3) is bound by any collective agreement in force for a trade division at the time the employer:

(a) becomes a unionized employer in a trade division; or

(b) becomes engaged in the construction industry in a trade division.

(5) Notwithstanding subsection (1), a unionized employer is responsible for settling disputes mentioned in section 6-45.

2013, c.S-15.1, s.6-70.

Constitution and bylaws of representative employers' organizations

6-71(1) Subject to this section, the constitution and bylaws of a representative employers' organization are in force only after they are approved or amended by the board pursuant to subsections (3) and (4).

(2) A representative employers' organization shall file with the board a copy of its constitution and bylaws within 90 days after its determination as the representative employers' organization pursuant to section 6-69.

(3) Within 120 days after the filing of the constitution and bylaws of a representative employers' organization pursuant to subsection (2), the board shall:

(a) approve the constitution and bylaws; or

(b) after conducting a hearing with respect to the matter, amend the constitution and bylaws to ensure that they comply with this Part.

(4) A representative employers' organization shall file with the board a copy of any amendments that it makes to its constitution and bylaws, and no amendment to the constitution or bylaws of a representative employers' organization has any effect until it is approved by the board.

2013, c.S-15.1, s.6-71.

Prohibitions on certain activities of representative employers' organizations

6-72(1) No representative employers' organization shall merge or amalgamate with any other employers' organization.

(2) No representative employers' organization shall assign or transfer any of its rights, duties or obligations to any other representative employers' organization.

(3) In discharging the duties of a representative employers' organization pursuant to this Part, a representative employers' organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing any of the unionized employers on whose behalf it acts.

2013, c.S-15.1, s.6-72.

Pre-job conference

6-73 Nothing in this Division interferes with or prevents the continuation of the practice of holding pre-job conferences in relation to particular projects.

2013, c.S-15.1, s.6-73.

Subdivision 5
Council of Unions

Council of unions

6-74(1) If more than one local of a union or more than one union has established the right to engage in collective bargaining on behalf of the unionized employees in a trade division, the locals or unions shall file with the board an agreement between them setting up a council of unions for the purposes of engaging in collective bargaining with the representative employers' organization for the trade division.

(2) An agreement mentioned in subsection (1) must be filed within 90 days after more than one local of a union or more than one union has established the right to engage in collective bargaining on behalf of the unionized employees in the trade division.

(3) If the locals of a union or the unions mentioned in subsection (1) fail or refuse to comply with subsection (1) or if the board does not approve the agreement reached by the locals or the unions, the board may, by order, prescribe the terms of the agreement that are to bind the council of unions for the purposes of engaging in collective bargaining with the representative employers' organization for the trade division.

(4) An order of the board made pursuant to subsection (3) is binding on each of the locals of the union and each of the unions in the trade division.

2013, c.S-15.1, s.6-74.

Effect of agreements re council of unions

6-75(1) If an agreement setting up a council of unions filed with the board pursuant to subsection 6-74(1) is approved by the board or the board makes an order prescribing the terms of the agreement that binds a council of unions pursuant to subsection 6-74(3):

(a) all of the rights, duties and obligations of locals of the union or unions in the trade division vest in the council of unions to the extent that is necessary to give effect to this Division;

(b) the council of unions is the exclusive agent to engage in collective bargaining on behalf of all unionized employees in the trade division;

(c) the representative employers' organization shall engage in collective bargaining with the council of unions with respect to the unionized employees in the trade division; and

(d) a collective agreement respecting the trade division that is made after the agreement is filed with any person or organization other than the council of unions is void.

(2) Notwithstanding subsection (1), the local of a union or the union is responsible for settling disputes mentioned in section 6-45.

2013, c.S-15.1, s.6-75.

Subdivision 6

Contract Administration and Industry Development Fees

Contract administration and industry development fees

6-76(1) Every unionized employer in the trade division shall pay any contract administration and industry development fee to the representative employers' organization that may be fixed by the representative employers' organization.

(2) Every unionized employee in the trade division shall pay any contract administration and industry development fee to the union that may be fixed by the union.

(3) Every collective agreement is deemed to contain provisions requiring the payment of contract administration and industry development fees by employees in accordance with subsection (2).

(4) To facilitate collection of contract administration and industry development fees, every unionized employer in a trade division shall provide the representative employers' organization and the union representing unionized employees of a unionized employer in the trade division with the following information on a monthly basis:

(a) the number of employees in the trade division that are employed by the unionized employer;

(b) the number of hours worked in a month by the unionized employees employed by the unionized employer in the trade division;

(c) any other information that is necessary in the opinion of the representative employers' organization mentioned in subsection (1) or the union mentioned in subsection (2) for the calculation of the contract administration and industry development fees that are payable by unionized employers and unionized employees in the trade division.

2013, c.S-15.1, s.6-76.

Subdivision 7
Additional Obligations re Strikes and Lockouts

Strike or lockout – vote required

6-77(1) Without limiting the application of section 6-32, a union or council of unions shall not declare, authorize or counsel a strike and an employee shall not strike until:

(a) a vote as to whether to strike has been taken by the employees in the trade division; and

(b) the majority of the employees mentioned in clause (a) who vote have voted for a strike.

(2) A representative employers' organization shall not declare, authorize or counsel a lockout and a unionized employer shall not engage in a lockout until:

(a) a vote as to whether to engage in a lockout has been taken by the unionized employers in the trade division; and

(b) the majority of the unionized employers mentioned in clause (a) who vote have voted to engage in a lockout.

2013, c.S-15.1, s.6-77.

Selective strikes and lockouts prohibited

6-78(1) If a union or council of unions intends to strike in a trade division, it shall strike:

(a) with respect to:

(i) all unionized employers in the trade division; and

(ii) all the work being performed by the unionized employers mentioned in subclause (i); and

(b) with respect to all unionized employees of the unionized employers mentioned in subclause (a)(i).

(2) If a representative employers' organization intends to cause a lockout of unionized employees employed by unionized employers in a trade division, all unionized employers in the trade division shall participate in the lockout and shall lock out all unionized employees.

2013, c.S-15.1, s.6-78.

Subdivision 8
Spin-off Corporations

Spin-off corporations

6-79(1) On the application of an employer or a union affected, the board may declare more than one corporation, partnership, individual or association to be one unionized employer for the purposes of this Part if, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by or through those corporations, partnerships, individuals or associations.

(2) In exercising its authority pursuant to subsection (1), the board may recognize the practice of non-unionized employers performing work through unionized subsidiaries.

(3) The effect of a declaration pursuant to subsection (1) is that the corporations, partnerships, individuals and associations, on and after the date of the declaration:

(a) constitute a unionized employer in the appropriate trade division;

(b) are bound by a designation of a representative employers' organization; and

(c) are bound by the collective agreement in effect in the trade division.

(4) The board may make an order granting any additional relief that it considers appropriate if:

(a) the board makes a declaration pursuant to subsection (1); and

(b) in the opinion of the board, the associated or related businesses, undertakings or activities are carried on by or through more than one corporation, partnership, individual or association for the purpose of avoiding:

(i) the effect of a determination of a representative employers' organization with respect to a trade division; or

(ii) a collective agreement that is in effect or that may come into effect between the representative employers' organization and a union.

(5) For the purposes of subsection (4), the burden of proof that the associated or related businesses, undertakings or activities are carried on by or through more than one corporation, partnership, individual or association for a purpose other than a purpose set out in subclause (4)(b)(i) or (ii) is on the corporation, partnership, individual or association.

(6) An order pursuant to subsection (4) may be made effective from a day that is not earlier than the date of the application to the board pursuant to subsection (1).

2013, c.S-15.1, s.6-79.

Subdivision 9
Board Orders

Board orders

6-80 In addition to any other order that it may make pursuant to this Part, the board may make orders:

(a) determining whether an organization is an employers' organization;

(b) determining whether an employer is a unionized employer for the purposes of this Division; and

(c) determining whether an employee is a unionized employee for the purposes of this Division.

2013, c.S-15.1, s.6-80.

DIVISION 14
Health Sector

Purpose of Division

6-81(1) The purposes of this Division are:

(a) to permit the establishment of multi-employer bargaining units in the health sector; and

(b) to require all health sector employers to use the designated employers' organization as their exclusive agent to engage in collective bargaining.

(2) Nothing in this Division precludes a union from seeking an order to be certified as bargaining agent for:

(a) employees of a health sector employer in one or more trade or craft; or

(b) all employees of a health sector employer.

(3) If there is a conflict between a provision of this Division and a provision of another Division of this Part or any other Part of this Act as the conflict relates to collective bargaining in the health sector, the provision of this Division prevails.

2013, c.S-15.1, s.6-81.

Interpretation of Division

6-82 In this Division:

(a) **"designated employers' organization"** means a person designated in the regulations made pursuant to this Part as the bargaining agent for health sector employers;

(b) **"health sector employer"** means:

(i) the provincial health authority as defined in *The Provincial Health Authority Act*;

(ii) the Saskatchewan Cancer Agency as defined in *The Cancer Agency Act*; and

(iii) a prescribed person or category of persons.

2013, c.S-15.1, s.6-82; 2017, c P-30.3, s.11-1.

Bargaining units in the health sector

6-83(1) Bargaining units consisting of employees of two or more health sector employers may be established in the health sector.

(2) The board may make any order respecting a bargaining unit in the health sector that the board is authorized to make pursuant to this Part and that the board considers necessary or appropriate for the purposes of this Division, including an order pursuant to subsection 6-18(4) if there has been a disposal, as defined in Division 4, of a business or part of a business from one health sector employer to another.

(3) The other provisions of this Part, other than Divisions 13 and 15, apply, with any necessary modification, to employees, employers, unions, persons acting on behalf of employers and unions and the board with respect to the bargaining unit in the health sector.

2013, c.S-15.1, s.6-83.

Effect of designation

6-84(1) The designated employers' organization is the exclusive agent to engage in collective bargaining on behalf of all health sector employers in multi-employer bargaining units and in single employer bargaining units.

(2) A union representing the employees in a unit mentioned in subsection (1) shall engage in collective bargaining with the designated employers' organization with respect to the employees in the unit.

(3) A collective agreement respecting the employees in a unit mentioned in subsection (1) that is made after designation of the designated employers' organization with any person or organization other than the designated employers' organization is void.

2013, c.S-15.1, s.6-84.

Obligations of health sector employers

6-85(1) Every health sector employer shall immediately advise the designated employers' organization of any dispute respecting a matter governed by section 6-45.

(2) If the designated employers' organization is of the opinion that the dispute mentioned in subsection (1) has implications for other employers in the health sector:

(a) the designated employers' organization may represent the health sector employer in the dispute; and

(b) the health sector employer shall assist the designated employers' organization in the dispute.

(3) If the designated employers' organization decides not to represent the health sector employer in the dispute, the health sector employer is responsible for the resolution of the dispute in accordance with section 6-45.

2013, c.S-15.1, s.6-85.

DIVISION 15
Firefighters

Interpretation of Division

6-86 In this Division, **"census"** means a census taken pursuant to the *Statistics Act* (Canada).

2013, c.S-15.1, s.6-86.

Application of Division

6-87 This Division applies to:

(a) the union certified as the bargaining agent of a bargaining unit:

(i) comprised of only municipal firefighters in a city with a population of 20,000 or more as shown in the most recent census; and

(ii) only if the constitution of the union prohibits strikes in the bargaining unit; and

(b) the employer of the firefighters mentioned in clause (a).

2013, c.S-15.1, s.6-87.

Referral to arbitration

6-88(1) Subject to subsection (2), if, in the opinion of a union or an employer, negotiations to conclude a collective agreement have reached a point where agreement cannot be achieved, the union or the employer may have all or any matters relating to hours and conditions of work, wages or employment referred to an arbitration board.

(2) Before any matter may proceed to arbitration in accordance with subsection (1), the employer and union governed by this Division shall:

(a) engage in collective bargaining in accordance with this Part; and

(b) if collective bargaining does not resolve the issues, engage in mediation or conciliation in accordance with Division 7.

2013, c.S-15.1, s.6-88.

Arbitration board

6-89(1) An arbitration board is to consist of three persons.

(2) Within 30 days after a matter is referred to arbitration, each party shall nominate its representative and shall immediately notify the other party of the person nominated.

(3) Within five days after being nominated in accordance with subsection (2) or appointed pursuant to subsection (4), the two persons nominated shall meet and agree on the third member, who shall be the chairperson of the arbitration board.

(4) On the written request of either party, the minister shall appoint a representative of the defaulting party or the chairperson of the arbitration board, as the case may require, if:

(a) either party fails to nominate its representative to the arbitration board within the time specified in subsection (2);

(b) a person nominated is unable or unwilling to act; or

(c) the representatives nominated by the two parties fail to agree on the third member of the arbitration board within the period specified in subsection (3).

(5) Subsection 6-47(9) applies, with any necessary modification, to a member of an arbitration board.

2013, c.S-15.1, s.6-89.

Arbitration board procedures

6-90(1) An arbitration pursuant to this Division must be conducted in accordance with section 6-49 and that section applies, with any necessary modification, for the purposes of this section.

(2) The hearings of an arbitration board must be open to the public, but if, in the opinion of the arbitration board it is necessary in the interests of a fair hearing that any portion of an arbitration proceeding be held privately, the arbitration board may exclude the public.

(3) When considering its decision or award and to ensure that the decision or award is fair and reasonable to the employees and the employer and is in the best interest of the public, the arbitration board:

(a) shall consider, for the period with respect to which the decision or award will apply, the following:

(i) wages and benefits in private and public, and unionized and non-unionized, employment;

(ii) the continuity and stability of private and public employment, including:

(A) employment levels and incidence of layoffs;

(B) incidence of employment at less than normal working hours; and

(C) opportunity for employment;

(iii) the general economic conditions in Saskatchewan; and

(b) may consider, for the period with respect to which the decision or award will apply, the following:

(i) the terms and conditions of employment in similar occupations outside the employer's employment taking into account any geographic, industrial or other variations that the arbitration board considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that the arbitration board considers relevant to the matter in dispute.

2013, c.S-15.1, s.6-90.

Decision of arbitration board

6-91(1) The decision of the majority of the members of the arbitration board or, if there is no majority decision, the decision of the chairperson of the arbitration board is the decision of the arbitration board.

(2) The decision of the arbitration board must be in writing.

(3) The chairperson shall forward a copy of the arbitration board's decision to:

(a) the employer and the union; and

(b) the minister.

(4) If the estimates of expenditures of a city and the rate or rates of taxation proposed to be struck are required to be submitted annually to the Saskatchewan Municipal Board for review and approval by the city in which the firefighters provide services, the employer shall not conclude a collective agreement or give effect to any decision or award of an arbitration board until the approval of the Saskatchewan Municipal Board has been obtained.

(5) Each party shall:

(a) pay its own costs of the arbitration; and

(b) share equally the cost of the chairperson and any other general expenses of the arbitration board.

2013, c.S-15.1, s.6-91.

DIVISION 16
Labour Relations Board

Subdivision 1
Board Continued

Board continued

6-92 The Labour Relations Board is continued.

2013, c.S-15.1, s.6-92.

Members of board

6-93(1) The board consists of those members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint one member as chairperson and may appoint not more than two other members as vice-chairpersons of the board.

(3) The chairperson:

(a) shall preside over all meetings of the board; and

(b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by this Act or a resolution of the board.

(4) If the chairperson is absent or unable to act or the office of chairperson is vacant, a vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

(5) The members of the board, other than the chairperson and any vice-chairpersons, are to be selected for appointment so that employers and organized employees are equally represented.

(6) The board members:

(a) hold office for terms not exceeding:

(i) five years in the case of the chairperson and vice-chairpersons; and

(ii) three years in the case of other members; and

(b) may be reappointed for additional terms.

(7) Notwithstanding the expiry of a board member's term, the board member continues to hold office until his or her successor is appointed.

(8) Before entering on the duties of office, every board member shall take the prescribed oath or affirmation.

(9) Members of the board are to be paid remuneration and reimbursement for expenses at rates that are approved by the Lieutenant Governor in Council.

2013, c.S-15.1, s.6-93.

Members may continue to complete proceedings

6-94(1) Notwithstanding that a successor to a board member has been appointed after the member has begun hearing a matter before the board but before the proceeding is completed, the member may continue with the proceeding as if his or her term had not expired for the purposes of completing the proceeding, and any decision of the member is effective as though he or she still held office.

(2) If a member continues to serve pursuant to subsection (1), he or she shall not begin to hear any additional matters before the board.

2013, c.S-15.1, s.6-94.

Quorum

6-95(1) Subject to subsections (2) and (3), the board shall sit in a panel of three members of whom:

(a) one must be the chairperson or a vice-chairperson;

(b) one must be from members appointed to represent employers; and

(c) one must be from members appointed to represent organized employees.

(2) The death, resignation or incapacity of a member of a panel before the panel renders its decision, other than that of the chairperson or vice-chairperson, does not render the decision invalid.

(3) Subject to any restriction imposed by the board, the chairperson may designate himself or herself or a vice-chairperson to hear any application that the chairperson considers can be properly and adequately addressed without a panel.

(4) The decision of the majority of the members of the board or, if there is no majority decision, the decision of the chairperson or vice-chairperson of the board is the decision of the board.

2013, c.S-15.1, s.6-95.

Board orders

6-96(1) The chairperson or a vice-chairperson shall sign all orders, decisions, rules and regulations made by the board and every consent of the board.

(2) Notwithstanding subsection (1), in the absence or disability of the chairperson and a vice-chairperson:

(a) any board member may sign any orders, decisions, rules or regulations made by the board or any consent of the board; and

(b) an order, decision, rule or regulation made by the board or consent by the board that is signed in accordance with this subsection has the same effect as if it had been signed by the chairperson or a vice-chairperson.

(3) If any board order, decision, rule or regulation or any consent purports to be signed by a board member other than the chairperson or a vice-chairperson, the board member is deemed to have acted in the absence or disability of the chairperson and vice-chairpersons.

(4) Any board order, decision, rule, regulation or any consent purporting to be signed by the chairperson, a vice-chairperson or a board member other than the chairperson or a vice-chairperson is deemed to have been duly authorized by the board unless the contrary is shown.

(5) It is not necessary in or before any court, other board, commission or tribunal of competent jurisdiction to prove the signature, official position or authority of the chairperson, a vice-chairperson or other board member.

2013, c.S-15.1, s.6-96.

Executive officer

6-97(1) The chairperson is to be the executive officer of the board.

(2) Any employer, employee or union affected by any act done by the executive officer in the exercise or purported exercise of any power, or the performance of any duties, delegated pursuant to subsection 6-93(3) may apply to the board to review, set aside, amend, stay or otherwise deal with the act.

(3) On an application pursuant to subsection (2) or on its own motion, the board may exercise the powers and perform the functions of the board with respect to the delegated power in issue as if the executive officer had not acted or made that decision.

2013, c.S-15.1, s.6-97.

Investigating officer

6-98(1) The chairperson may designate one or more persons as investigating officers for the purposes of this Part.

(2) Subject to the regulations, investigating officers shall perform any duties that the chairperson or a vice-chairperson may direct.

2013, c.S-15.1, s.6-98; 2015, c.31, s.6.

Minister to provide technical support

6-99 The minister shall provide any technical, clerical and administrative assistance that the board may reasonably require.

2013, c.S-15.1, s.6-99.

Immunities and privileges of board members

6-100 The members of the board have the same privileges and immunities as a judge of the Court of King's Bench.

2013, c.S-15.1, s.6-100; 2024, c4, s.32.

Annual report

6-101(1) In each fiscal year, the board shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister an annual report on the activities of the board for the preceding fiscal year.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report received by the minister pursuant to this section.

2013, c.S-15.1, s.6-101; 2014, c.E-13.1, s.62.

Content of annual report

6-102 Notwithstanding subsection 6-121(1), the annual report mentioned in section 6-101 shall include the following information:

(a) a list of all matters filed with the board;

(b) a list of all decisions rendered by the board;

(c) with respect to each decision listed:

(i) the date the matter that is the subject of the decision was initially filed;

(ii) the date the matter mentioned in subclause (i) was heard by the board;

(iii) the members of the board who heard the matter mentioned in subclause (i); and

(iv) the length of time between the last day of the hearing and the rendering of the decision; and

(d) a summary, by member, of:

(i) the number of decisions rendered;

(ii) the type of decision, whether interim or final disposition; and

(iii) the average period between the last day of a hearing and the rendering of the decision for each type of decision.

2013, c.S-15.1, s.6-102.

Subdivision 2
Board Powers and Duties

General powers and duties of board

6-103(1) Subject to subsection 6-97(3), the board may exercise those powers that are conferred and shall perform those duties that are imposed on it by this Act or that are incidental to the attainment of the purposes of this Act.

(2) Without limiting the generality of subsection (1), the board may do all or any of the following:

(a) conduct any investigation, inquiry or hearing that the board considers appropriate;

(b) make orders requiring compliance with:

(i) this Part;

(ii) any regulations made pursuant to this Part; or

(iii) any board decision respecting any matter before the board;

(c) make any orders that are ancillary to the relief requested if the board considers that the orders are necessary or appropriate to attain the purposes of this Act;

(d) make an interim order or decision pending the making of a final order or decision.

2013, c.S-15.1, s.6-103.

Board powers

6-104(1) In this section:

(a) **"former union"** means a union that has been replaced with another union or with respect to which a certification order respecting the union has been cancelled;

(b) **"replacing union"** means a union that replaces a former union.

(2) In addition to any other powers given to the board pursuant to this Part, the board may make orders:

(a) requiring an employer or a union representing the majority of employees in a bargaining unit to engage in collective bargaining;

(b) determining whether an unfair labour practice or a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board is being or has been engaged in;

(c) requiring any person to do any of the following:

(i) to refrain from contravening this Part, the regulations made pursuant to this Part or an order or decision of the board or from engaging in any unfair labour practice;

(ii) to do any thing for the purpose of rectifying a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board;

(d) requiring an employer to reinstate any employee terminated under circumstances determined by the board to constitute an unfair labour practice, or otherwise in contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board;

(e) fixing and determining the monetary loss suffered by an employee, an employer or a union as a result of a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board by one or more persons, and requiring those persons to pay to that employee, employer or union the amount of the monetary loss or any portion of the monetary loss that the board considers to be appropriate;

(f) rescinding or amending an order or decision of the board made pursuant to clause (b), (c), (d) or (e) or subsection (3), or amending a certification order or collective bargaining order in the circumstances set out in clause (g) or (h), notwithstanding that a motion, application, appeal or other proceeding respecting or arising out of the order or decision is pending in any court;

(g) amending a board order if:

(i) the employer and the union agree to the amendment; or

(ii) in the opinion of the board, the amendment is necessary;

(h) notwithstanding that a motion, application, appeal or other proceeding respecting or arising out of a certification order or collective bargaining order is pending in any court, rescinding or amending the certification order or collective bargaining order;

(i) subject to section 6-105, determining for the purposes of this Part whether any person is or may become an employee or a supervisory employee as defined in clause 6-1(1)(o) of this Act as that clause read before the coming into force of *The Saskatchewan Employment Amendment Act, 2021*;

(j) when acting pursuant to section 6-110, relieving against breaches of time limits set out in this Part or in a collective agreement on terms that, in the opinion of the board, are just and reasonable.

(3) The board shall not certify a union or a labour organization as a bargaining agent if, in the board's opinion, the union or labour organization is dominated by an employer or a person acting on behalf of the employer.

(4) If a former union is administering or controlling any benefit plan, program or welfare trust, the board may, on application made to it, make any orders it considers appropriate:

(a) to assist in the orderly transfer or transition of the benefit plan, program or welfare trust; or

(b) to require or facilitate the continuation of benefits for employees in receipt of benefits pursuant to the benefit plan, program or welfare trust.

(5) Without restricting the generality of subsection (4), the board may:

(a) require that a benefit plan, program or welfare trust be transferred;

(b) require the former union to provide to the replacing union or the employees any documents or information required to effect the transfer of the benefit plan, program or welfare trust;

(c) require that the former union continue to administer the benefit plan, program or welfare trust with respect to those employees in receipt of benefits until:

(i) all of those employees cease to qualify for those benefits; or

(ii) the benefit plan, program or welfare trust is transferred to the replacing union;

(d) if the bargaining unit is being divided:

(i) divide the benefit plan, program or welfare trust between the different bargaining units or between the bargaining units and employees; or

(ii) divide the assets and liabilities associated with the benefit plan, program or welfare trust;

(e) require the replacing union or the employees to pay to the former union the costs of the transfer of the benefit plan, program or welfare trust in an amount determined by the board;

(6) When making an order in accordance with subsection (4) or (5), the board may declare the replacing union or one or more of the employees to be a party to a contract respecting a benefit plan, program or welfare trust in cases where the benefit plan, program or welfare trust is administered or controlled by a third party.

(7) Notwithstanding any terms of a contract respecting the benefit plan, program or welfare trust or any other Act or law, on the making of a declaration pursuant to subsection (6), the replacing union or employees are deemed to be a party to that contract.

(8) At any time after an application for the purposes of subsections (4) and (5) is made, the board may defer or dismiss the application if the board is of the opinion the issue in dispute is more properly resolved:

(a) by regulators responsible for making decisions respecting the benefit plan, program or welfare trust; or

(b) in another forum.

2013, c.S-15.1, s.6-104; 2021, c38, s.6.

Provisional determination of employee

6-105(1) On an application made for the purposes of clause 6-104(2)(i), the board may make a provisional determination before the person who is the subject of the application actually performs the duties of the position in question.

(2) A provisional determination made pursuant to subsection (1) becomes a final determination one year after the day on which the provisional determination is made unless, before that period expires, the employer or the union applies to the board for a variation of the determination.

2013, c.S-15.1, s.6-105.

Subdivision 3
Additional Powers of Board re Applications and Orders

Power to dismiss certain applications – influence, etc., of employers

6-106 The board may reject or dismiss any application made to it by an employee or employees if it is satisfied that the application is made in whole or in part on the advice of, or as a result of influence of or interference or intimidation by, the employer or employer's agent.

2013, c.S-15.1, s.6-106.

Power to reject certain evidence

6-107 If an application is made to the board for a certification order, the board may, in its absolute discretion, reject any evidence or information tendered or submitted to it concerning any fact, event, matter or thing transpiring or occurring after the date on which that application is filed with the board in accordance with the regulations of the board.

2013, c.S-15.1, s.6-107.

Power to enforce orders and decisions

6-108(1) The board may cause a certified copy of any board order or decision to be filed in the office of a local registrar of the Court of King's Bench.

(2) On filing of the certified copy pursuant to subsection (1), the board order or decision is enforceable as a judgment of the Court of King's Bench.

(3) Notwithstanding that a board order or decision has been filed pursuant to this section, the board may rescind or vary the order or decision.

(4) On an application to the Court of King's Bench arising out of the failure of any person to comply with the terms of a board order or decision filed pursuant to subsection (1), the court may refer to the board any question as to the compliance or non-compliance of that person with the board order or decision.

(5) An application to enforce a board order or decision may be made to the Court of King's Bench by and in the name of the board, any union affected or any interested person.

(6) On an application to enforce a board order or decision, the Court of King's Bench:

(a) is bound by the findings of the board; and

(b) shall make any order that it considers necessary to cause every person with respect to whom the application is made to comply with the board order or decision.

(7) The board may, in its own name, appeal any judgment, decision or order of any court affecting any of its orders or decisions.

2013, c.S-15.1, s.6-108; 2024, c4, s.32.

Power to rescind certification order obtained by fraud

6-109(1) If the board has made a certification order, any of the following who allege that the order was obtained by fraud may apply to the board at any time to rescind the order:

(a) any employee in the bargaining unit;

(b) the employer;

(c) any union claiming to represent any employees in the bargaining unit.

(2) On an application pursuant to subsection (1) and if it is satisfied that the order was obtained by fraud, the board shall rescind the order.

(3) No person shall take part in, aid, abet, counsel or procure the obtaining by fraud of an order mentioned in subsection (1).

2013, c.S-15.1, s.6-109.

Board may determine dispute on consent

6-110(1) A union representing the employees in a bargaining unit may enter into an agreement with an employer to refer a dispute or a category of disputes to the board.

(2) Two or more unions certified for an employer, or in the case of Division 13 for two or more employers, may enter into an agreement with the employer or employers to refer a dispute respecting the jurisdictional lines between or among the bargaining units to the board.

(3) On a reference made in accordance with subsection (1) or (2), the board shall hear and determine any dispute referred to it by any party to that agreement.

(4) A finding of the board as a result of a hearing pursuant to this section:

(a) is final and conclusive;

(b) is binding on the parties with respect to all matters within the legislative jurisdiction of Saskatchewan; and

(c) is enforceable as a board order made pursuant to this Part.

2013, c.S-15.1, s.6-110.

Subdivision 4
Hearings and Proceedings

Powers re hearings and proceedings

6-111(1) With respect to any matter before it, the board has the power:

(a) to require any party to provide particulars before or during a hearing or proceeding;

(b) to require any party to produce documents or things that may be relevant to a matter before it and to do so before or during a hearing or proceeding;

(c) to do all or any of the following to the same extent as those powers are vested in the Court of King's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise; and

(iii) to compel witnesses to produce documents or things;

(d) to administer oaths and affirmations;

(e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the board considers appropriate, whether admissible in a court of law or not;

(f) subject to the regulations made pursuant to this Part by the Lieutenant Governor in Council:

(i) to determine the form in which evidence of membership in a union or communication from employees that they no longer intend to be represented by a union is to be filed with the board on an application for certification or for cancellation; and

(ii) to refuse to accept any evidence that is not filed in the form mentioned in subclause (i);

(g) subject to the regulations made pursuant to this Part by the Lieutenant Governor in Council:

(i) to determine the time within which any party to a hearing or proceeding before the board must file or present any thing, document or information and the form in which that thing, document or information must be filed; and

(ii) to refuse to accept any thing, document or information that is not filed or presented within the time or in the form determined pursuant to subclause (i);

(h) to order preliminary hearings or procedures, including pre-hearing settlement conferences;

(i) to determine who may attend and the time, date and place of any preliminary hearing or procedure or conference mentioned in clause (h);

(j) to conduct any hearing or proceeding using a means of communication that permits the parties and the board to communicate with each other simultaneously;

(k) to adjourn or postpone the hearing or proceeding;

(l) to defer deciding any matter if the board considers that the matter could be resolved by mediation, conciliation or an alternative method of resolution;

(m) to bar from making a similar application, for any period not exceeding 12 months after the date an unsuccessful application is dismissed:

(i) an unsuccessful applicant;

(ii) any of the employees affected by an unsuccessful application;

(iii) any person or union representing the employees affected by an unsuccessful application; or

(iv) any person or organization representing the employer affected by an unsuccessful application;

(n) to refuse to entertain a similar application, for any period not exceeding 12 months after the date an unsuccessful application is dismissed, that is submitted by anyone mentioned in subclauses (m)(i) to (iv);

(o) to summarily refuse to hear a matter that is not within the jurisdiction of the board;

(p) to summarily dismiss a matter if, in the opinion of the board, there is a lack of evidence or no arguable case;

(q) to decide any matter before it without holding an oral hearing;

(r) to decide any question that may arise in a hearing or proceeding, including any question as to whether:

(i) a person is a member of a union;

(ii) a collective agreement has been entered into or is in operation; or

(iii) any person or organization is a party to or bound by a collective agreement;

(s) to require any person, union or employer to post and keep posted in a place determined by the board, or to send by any means that the board determines, any notice that the board considers necessary to bring to the attention of any employee;

(t) to enter any premises of an employer where work is being or has been done by employees, or in which the employer carries on business, whether or not the premises are those of the employer, and to inspect and view any work, material, machinery, appliances, articles, records or documents and question any person;

(u) to enter any premises of a union and to inspect and view any work, material, articles, records or documents and question any person;

(v) to order, at any time before the hearing or proceeding has been finally disposed of by the board, that:

(i) a vote or an additional vote be taken among employees affected by the hearing or proceeding if the board considers that the taking of that vote would assist the board to decide any question that has arisen or is likely to arise in the hearing or proceeding, whether or not that vote is provided for elsewhere; and

(ii) the ballots cast in any vote ordered by the board pursuant to subclause (i) be sealed in ballot boxes and not counted except as directed by the board;

(w) to enter on the premises of an employer for the purpose of conducting a vote during working hours, and to give any directions in connection with the vote that it considers necessary;

(x) to authorize any person to do anything that the board may do pursuant to clauses (a), (b), (d), (e), (i), (j), (s), (t), (u) and (w), on any terms and conditions the board considers appropriate; and

(y) to require the person authorized pursuant to clause (x) to report to the board on anything done by that person.

(2) For the purposes of this Part:

(a) **Repealed.** 2020, c12, s.20.

(b) a matter is deemed to be pending before a conciliation board on and after the day on which the conciliation board is established by the minister until the day on which its report is received by the minister;

(c) a matter is deemed to be pending before a special mediator on and after the day on which the special mediator is appointed by the minister until the day on which the special mediator's report is received by the minister; and

(d) a matter is deemed to be pending before a labour relations officer on and after the day on which the labour relations officer is appointed by the director of labour relations until the day on which the labour relations officer's report is received by the minister.

(3) Subject to subsection (4), the board may refuse to hear any allegation of an unfair labour practice that is made more than 90 days after the complainant knew or, in the opinion of the board, ought to have known of the action or circumstances giving rise to the allegation.

(4) The board shall hear any allegation of an unfair labour practice that is made after the deadline mentioned in subsection (3) if the respondent has consented in writing to waive or extend the deadline.

2013, c.S-15.1, s.6-111; 2020, c12, s.20; 2024, c4, s.32.

Proceedings not invalidated by irregularities

6-112(1) A technical irregularity does not invalidate a proceeding before or by the board.

(2) At any stage of its proceedings, the board may allow a party to amend the party's application, reply, intervention or other process in any manner and on any terms that the board considers just, and all necessary amendments must be made for the purpose of determining the real questions in dispute in the proceedings.

(3) At any time and on any terms that the board considers just, the board may amend any defect or error in any proceedings, and all necessary amendments must be made for the purpose of determining the real question or issue raised by or depending on the proceedings.

(4) Without limiting the generality of subsections (2) and (3), in any proceedings before it, the board may, on any terms that it considers just, order that the proceedings be amended:

(a) by adding as a party to the proceedings any person that is not, but in the opinion of the board ought to be, a party to the proceedings;

(b) by striking out the name of a person improperly made a party to the proceedings;

(c) by substituting the name of a person that in the opinion of the board ought to be a party to the proceedings for the name of a person improperly made a party to the proceedings; or

(d) by correcting the name of a person that is incorrectly set out in the proceedings.

2013, c.S-15.1, s.6-112.

Board may correct clerical errors

6-113 The board may, at any time, correct any clerical error in any order or decision made by the board or any officer or agent of the board.

2013, c.S-15.1, s.6-113.

Board orders or decisions binding and conclusive

6-114 In any matter or proceeding arising pursuant to this Part, a board order or decision is binding and conclusive of the matters stated in the board order or decision.

2013, c.S-15.1, s.6-114.

No appeals from board orders or decisions

6-115(1) Every board order or decision made pursuant to this Part is final and there is no appeal from that board order or decision.

(2) The board may determine any question of fact necessary to its jurisdiction.

(3) Notwithstanding subsections (1) and (2), the board may:

(a) reconsider any matter that it has dealt with; and

(b) rescind or amend any decision or order it has made.

(4) The board's decisions and findings on all questions of fact and law are not open to question or review in any court, and any proceeding before the board must not be restrained by injunction, prohibition, mandamus, *quo warranto*, *certiorari* or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court on any grounds.

2013, c.S-15.1, s.6-115.

Deadline for board decisions

6-116(1) The board shall cause every board decision to be provided to the parties within six months after the last day of the hearing unless the board is reasonably justified in requiring more time.

(2) Notwithstanding section 6-115 and subsection 6-121(1), any party to a proceeding before the board may apply to the Court of King's Bench for an order directing the board to provide its decision if the deadline in subsection (1) has not been met.

(3) A failure to comply with subsection (1) does not affect the validity of a decision.

2013, c.S-15.1, s.6-116; 2024, c4, s.32.

DIVISION 17
General Matters

Industrial inquiry commission

6-117(1) On request of a union, an employer or any other person or on the minister's own initiative, the minister may:

(a) make or cause to be made inquiries that the minister considers advisable respecting labour relations matters; and

(b) subject to this Part and the regulations made pursuant to this Part, do the things the minister considers necessary to maintain and secure labour relations stability and promote conditions favourable to settlement of disputes.

(2) For any of the purposes of subsection (1), if in an industry a dispute between employers and employees exists or is likely to arise, the minister may refer the matter to an industrial inquiry commission for investigation and report.

(3) An industrial inquiry commission consists of one or more members appointed by the minister.

(4) The minister shall:

(a) establish the terms of reference for the industrial inquiry commission, including a statement of the matters to be inquired into; and

(b) if an inquiry involves particular persons or parties to a collective agreement, advise them of the appointment of the industrial inquiry commission.

(5) An industrial inquiry commission shall:

(a) inquire into the matters referred to it by the minister and endeavour to carry out its terms of reference; and

(b) report the result of its inquiries and its recommendations to the minister within 14 days after its appointment or within any further time the minister may specify.

(6) On receipt of a report of an industrial inquiry commission relating to a dispute between employers and employees, the minister shall:

(a) provide a copy of the report to each of the affected persons; and

(b) if the minister considers it advisable, publish the report in the manner considered advisable.

2013, c.S-15.1, s.6-117.

Director of labour relations

6-118(1) The minister shall appoint an employee of the ministry as director of labour relations.

(2) The director of labour relations may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Part.

(3) The director of labour relations may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.6-118.

Labour relations services

6-119(1) The minister may appoint any employees or category of employees of the ministry as labour relations officers.

(2) The director of labour relations may exercise the functions and responsibilities of a labour relations officer.

(3) When directed to do so by the minister, the director of labour relations shall appoint a labour relations officer to assist an employer and a union to resolve any dispute.

(4) The labour relations officer shall inquire, in any manner the officer considers appropriate, into the dispute and assist the parties in effecting a settlement.

2013, c.S-15.1, s.6-119.

Providing information

6-120 On the request of any person, a labour relations officer may provide information regarding the rights and responsibilities of employees, employers and unions pursuant to this Part.

2013, c.S-15.1, s.6-120.

Certain information privileged

6-121(1) Notwithstanding any other Act or law, information obtained for the purposes of this Part is not open to inspection by any person or by any court if the information is acquired by any of the following persons and was acquired in the course of the person's duties pursuant to the Part:

(a) a member of the board;

(b) a labour relations officer;

(c) the director of labour relations;

(d) a special mediator;

(e) an arbitrator with respect to an arbitration of a matter governed by this Part;

(f) a member of a conciliation board appointed pursuant to this Part;

(g) a member of an arbitration board appointed pursuant to this Part.

(2) None of the persons mentioned in subsection (1) shall be required by any court or the board to give evidence about information obtained for the purposes of this Part in the course of his or her duties.

2013, c.S-15.1, s.6-121.

Lieutenant Governor in Council may declare certain Acts of Parliament to apply

6-122(1) The Lieutenant Governor in Council may, by order, declare that any Act of the Parliament of Canada and any order of the Governor General in Council, whether enacted or made before, on or after the date of the Lieutenant Governor in Council's order, relating to matters dealt with by this Part is to apply in place of this Part with respect to:

(a) the employees employed in or in connection with any work, undertaking or business in Saskatchewan or in any part of the work, undertaking or business; and

(b) the employer or employers of the employees mentioned in clause (a).

(2) An order made pursuant to subsection (1) must be published in *The Saskatchewan Gazette*.

(3) An order made pursuant to subsection (1) comes into force:

(a) on the date on which it is published in *The Saskatchewan Gazette*; or

(b) on any later date that is set out in the order.

(4) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an agreement with the Government of Canada, or any other person or persons duly authorized by the Government of Canada, to provide for the administration of any Act of the Parliament of Canada and of any order of the Governor General in Council mentioned in subsection (1) that are declared to apply to Saskatchewan pursuant to subsection (1).

2013, c.S-15.1, s.6-122.

Offences and penalties

6-123(1) No employer, employee or other person shall:

(a) intentionally delay or obstruct a labour relations officer or investigating officer in the exercise of any power or duty given to the officer pursuant to this Part;

(b) fail to reasonably cooperate with a labour relations officer or investigating officer in the exercise of any of his or her powers or the performance of any of his or her duties;

(c) fail to produce to the board any books, records, papers, documents, payrolls, contracts of employment or other record of employment that the employer, employee or other person is required to produce;

(d) make a complaint to the board knowing it to be untrue;

(e) fail to comply with a board order; or

(f) fail to comply with any other provision of this Part or the regulations made pursuant to this Part.

(2) Every person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction:

(a) if the contravention is with respect to a lockout, to a fine not exceeding $1,000 for each day that the lockout continues;

(b) if the contravention is with respect to a strike, to a fine not exceeding $1,000 for each day that the strike continues;

(c) with respect to any contravention other than one mentioned in clause (a) or (b):

(i) in the case of an individual, to a fine not exceeding $5,000; or

(ii) in the case of a corporation, union or other person, to a fine not exceeding $100,000.

2013, c.S-15.1, s.6-123.

Attorney General's permission re prosecutions required

6-124 No prosecution for an offence pursuant to this Part shall be commenced without the consent in writing of the Attorney General.

2013, c.S-15.1, s.6-124.

Regulations for Part

6-125 The Lieutenant Governor in Council may make regulations:

(a) for the purposes of Division 14:

(i) designating a person to be the designated employers' organization;

(ii) imposing terms and conditions that the designated employers' organization shall comply with in carrying out its duties and exercising its powers;

(iii) prescribing principles that the board is required to consider when determining or changing any multi-employer bargaining units in the health sector;

(iv) prescribing circumstances in which a member of the Executive Council or a prescribed person may intervene in any application before the board respecting a health sector employer or in any other matter governed by that Division;

(v) prescribing any other matter or thing the Lieutenant Governor in Council considers necessary for the purposes of that Division;

(b) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.6-125.

Board regulations

6-126 The board may make regulations:

(a) prescribing rules of procedure for matters before the board, including preliminary procedures;

(b) prescribing forms that are consistent with this Part and any other regulations made pursuant to this Part;

(c) prescribing any other matter or thing that the board is required or authorized by this Part to prescribe by regulation.

2013, c.S-15.1, s.6-126.

DIVISION 18
Transitional

Transitional matters

6-127(1) In this section, **"former Acts"** means:

(a) *The Construction Industry Labour Relations Act, 1992* as that Act existed on the day before the coming into force of this section;

(b) *The Trade Union Act* as that Act existed on the day before the coming into force of this section;

(c) *The Health Labour Relations Reorganization Act* as that Act existed on the day before the coming into force of this section;

(d) *The Fire Departments Platoon Act* as that Act existed on the day before the coming into force of this section.

(2) Every person who was a member of the board on the day before the coming into force of this section continues as a member of the board until he or she is reappointed to the board, or another person is appointed in his or her place, in accordance with this Part.

(3) Every order, declaration, approval and decision of the board made pursuant to the former Acts continues in force as if made by the board pursuant to this Part and may be enforced and otherwise dealt with as if made pursuant to this Part.

(4) Every board of conciliation that was appointed pursuant to section 22 of *The Trade Union Act*, as that Act existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues pursuant to this Part as if it were appointed pursuant to this Part, and every person who was a member of a board of conciliation whose term of appointment had not expired on the day on which this section comes into force continues as a member as if appointed pursuant to this Part.

(5) Every arbitrator, board of arbitration or arbitration board that was appointed pursuant to *The Trade Union Act* or *The Fire Departments Platoon Act*, as those Acts existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues in office and may continue the arbitration in accordance with this Part as if the arbitrator, board of arbitration or arbitration board were appointed pursuant to this Part.

(6) All agreements, instruments and other documents that were filed with the board or the minister pursuant to the former Acts are deemed to have been filed pursuant to this Part and may be dealt with pursuant to this Part as if filed pursuant to this Part.

(7) Every special mediator who was appointed pursuant to *The Trade Union Act*, as that Act existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues in office and may continue his or her duties and exercise his or her powers in accordance with this Part as if he or she were appointed pursuant to this Part.

(8) A trade division determined by the minister to be an appropriate trade division for the purpose of *The Construction Industry Labour Relations Act, 1992*, as that Act existed on the day before the coming into force of this section is continued and may be dealt with pursuant to this Part as if the division had been established pursuant to this Part.

(9) The representative employers' organizations listed in Column 1 of the Schedule to *The Construction Industry Labour Relations Act, 1992*, as that Act existed on the day before the coming into force of this section:

(a) are continued as representative employers' organizations for the unionized employers in the trade divisions referenced in Column 2 of the Schedule to that Act; and

(b) within 60 days after the coming into force of this section, the board shall issue orders that designate the representative employers' organizations listed in Column 1 of the Schedule to that Act for the trade divisions listed in Column 2.

(10) The Lieutenant Governor in Council may make regulations respecting any matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transition from the former Acts to this Part, including:

(a) suspending the application of any provision of this Part; and

(b) declaring that provisions of any of the former Acts are to apply to persons or any category of persons and respecting the conditions on which provisions of the former Act are to apply.

(11) If there is any conflict between the regulations made pursuant to subsection (10) and any other provision of this Act or any other Act or law, the regulations made pursuant to this section prevail.

2013, c.S-15.1, s.6-127.

Transitional re irrevocable elections and removal or exclusion of supervisory employees

6-128(1) In this section, **"supervisory employee"** means a supervisory employee as defined in clause 6-1(1)(o) of this Act as that clause read before the coming into force of *The Saskatchewan Employment Amendment Act, 2021*.

(2) For the purposes of this Part, if employees were removed or excluded from a bargaining unit as a result of a determination, in accordance with subsections 6-11(3) to (6) of this Act as those provisions read before the coming into force of *The Saskatchewan Employment Amendment Act, 2021*, that the employees were supervisory employees, the employer named in a certification order or the union that is named in a certification order may apply to the board, in the form and manner specified by the board, to amend a certification order.

(3) Any irrevocable election allowing supervisory employees into a bargaining unit that was made pursuant to clause 6-11(4)(a) of this Act as that clause read before the coming into force of *The Saskatchewan Employment Amendment Act, 2021* is deemed to be null and void.

(4) An employer or union that made an irrevocable election mentioned in subsection (3) may apply to the board, in the form and manner specified by the board, to amend a certification order.

(5) On an application pursuant to subsection (2) or (4), the board shall:

(a) issue an amended certification order; or

(b) affirm the certification order.

(6) On an application pursuant to subsection (2) or (4), in addition to an order pursuant to subsection (5), the board may make any order it considers appropriate, including an order determining the seniority of employees affected by the order or deferring deciding any matter if the board considers that the matter could be resolved by mediation, conciliation or an alternative method of resolution.

2021, c.38, s.7.

PART VII
Essential Services

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

7-1(1) In this Part:

(a) **"collective bargaining"** means collective bargaining as defined in Part VI and includes collective bargaining with a view to concluding an essential services agreement;

(b) **"employee"** means an employee, as defined in Part VI, who is an employee of a public employer and who is represented by a union;

(c) **"essential services agreement"** means an agreement concluded pursuant to section 7-3 and includes an agreement mentioned in subsection (2);

(d) **"essential services employee"** means an employee who is described in section 7-23;

(e) **"last collective agreement"** means the collective agreement last in effect between a public employer and a union before a work stoppage;

(f) **"public employer"** means:

(i) an employer that:

(A) is defined in Part VI; and

(B) provides an essential service to the public; or

(ii) any employer, person, agency or body, or class of employers, persons, agencies or bodies, that:

(A) is prescribed; and

(B) provides an essential service to the public;

(g) **"tribunal"** means an essential services tribunal established pursuant to section 7-7 or 7-14;

(h) **"union"** means a union, as defined in Part VI, that represents employees of a public employer;

(i) **"work schedule"** means a work schedule or modified work schedule provided by a public employer to a union in accordance with this Part;

(j) **"work stoppage"** means a lockout or strike as defined in Part VI.

(2) Every agreement respecting essential services that is in effect on the day on which this Part comes into force:

(a) remains in effect; and

(b) may be dealt with pursuant to this Part as if it were concluded pursuant to this Part.

2015, c.31, s.8.

Application of Part

7-2(1) This Part applies to every public employer, every union and every employee.

(2) This Part prevails if there is any conflict between this Part and:

(a) any other Part of this Act;

(b) any other Act, regulation or law; or

(c) any arbitral or other award or decision.

2015, c.31, s.8.

DIVISION 2
Essential Services Agreements

Negotiation of essential services agreement

7-3(1) If a public employer and union have not concluded an essential services agreement and the minister and the parties have received a report from a labour relations officer, special mediator or conciliation board pursuant to clause 6-33(7)(c) that a dispute between the parties has not been settled, the public employer and the union shall engage in collective bargaining with a view to concluding an essential services agreement as soon as is reasonably possible after receiving that report.

(2) Nothing in this section is to be interpreted as preventing a public employer and union from concluding an essential services agreement at any time.

2015, c.31, s.8.

Contents of essential services agreement

7-4(1) An essential services agreement must consist of at least the following:

(a) provisions that identify the essential services that are to be maintained during a work stoppage;

(b) provisions that set out the classifications of employees who must work during a work stoppage to maintain essential services;

(c) provisions that set out the number of positions in each classification mentioned in clause (b) who must work during a work stoppage to maintain essential services;

(d) provisions that set out the manner of determining the locations or number of locations where the positions mentioned in clause (b) are required to work;

(e) provisions that set out the manner of identifying and informing the employees who must work during a work stoppage;

(f) provisions that set out the procedures that must be followed to respond to an unanticipated increase or decrease in the need for essential services during a work stoppage;

(g) provisions that set out the procedures that must be followed to respond to an emergency during a work stoppage;

(h) provisions that set out the procedures that must be followed to resolve disputes respecting changes to the agreement;

(i) any other prescribed provisions.

(2) For the purposes of clause (1)(c), the number of positions is to be determined having regard to the availability of other qualified persons who are in the employ of the public employer and who are not members of the bargaining unit.

2015, c.31, s.8.

Prohibition on work stoppage without essential services agreements, etc.

7-5 Notwithstanding Part VI, no public employer shall engage in a lockout and no union shall engage in a strike unless there is:

(a) an essential services agreement between the parties; or

(b) a decision of a tribunal pursuant to section 7-8 or 7-10.

2015, c.31, s.8.

DIVISION 3
No Essential Services Agreement

Notice of impasse

7-6(1) If, in the opinion of a public employer or a union, collective bargaining to conclude an essential services agreement has reached a point where agreement cannot be achieved, the public employer or union shall serve a written notice that an impasse has been reached on:

(a) the chairperson of the board;

(b) the minister; and

(c) the other party.

(2) No written notice mentioned in subsection (1) must be served until the period mentioned in subclause 6-33(7)(d)(ii) has expired.

(3) The written notice mentioned in subsection (1) must contain the name of the person whom the party giving the notice appoints to the tribunal.

(4) Within three days after receiving the written notice mentioned in subsection (1), the other party shall serve on the first party, the chairperson of the board and the minister a written notice naming the person whom it appoints to the tribunal.

2015, c.31, s.8.

Essential services tribunal

7-7(1) On receipt of the parties' appointments to the tribunal, the chairperson of the board shall appoint the chairperson or a vice-chairperson of the board as the chairperson of the tribunal.

(2) No person is eligible to be appointed as a member of a tribunal or to act as a member of a tribunal if the person:

(a) has a pecuniary interest in a matter before the tribunal; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to the tribunal, acted as lawyer or agent of any of the parties.

(3) The tribunal shall:

(a) hear:

(i) evidence presented relating to the dispute; and

(ii) argument by the parties or their lawyers or agents; and

(b) make a decision respecting the matters mentioned in subsection 7-8(3) that are the subject of the dispute.

(4) The decision of the majority of the members of a tribunal or, if there is no majority decision, the decision of the chairperson of the tribunal is the decision of the tribunal.

(5) In exercising its powers and fulfilling its responsibilities pursuant to this Part, a tribunal may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the tribunal.

(6) The decision of the tribunal pursuant to this Division:

(a) is final and conclusive; and

(b) is binding on the parties.

(7) The public employer and the union shall bear their own costs of the tribunal and the remuneration and expenses of the member of the tribunal that it has appointed.

2015, c.31, s.8.

Period within which tribunal must commence hearing and make a decision

7-8(1) Within seven days after the appointment of the chairperson of the tribunal, the tribunal shall commence hearings.

(2) A hearing of the tribunal must conclude within 60 days after the date on which the hearing commenced or any longer period that the tribunal considers necessary.

(3) Within 14 days after the conclusion of its hearing, the tribunal shall issue a decision on the following:

(a) the essential services that must be maintained during the work stoppage;

(b) the classifications of employees who must work during the work stoppage to maintain essential services;

(c) the number of positions in each classification who must work during a work stoppage to maintain essential services;

(d) the locations or number of locations where work must be performed during the work stoppage;

(e) the procedures that must be followed to respond to an emergency during a work stoppage.

(4) As soon as possible after issuing its decision, the tribunal shall cause a copy of the decision to be served on the public employer, the union and the minister.

(5) In accordance with the decision of the tribunal pursuant to this section, the public employer shall provide the union with a work schedule that sets out the matters covered by the decision.

(6) On receipt of a work schedule from the public employer pursuant to subsection (5), the union shall immediately:

(a) identify the employees within each classification mentioned in the work schedule who must work during the work stoppage to maintain essential services;

(b) provide to each employee identified pursuant to clause (a) his or her work schedule;

(c) provide to each employee identified pursuant to clause (a) a list of the essential services that are to be performed; and

(d) provide to the public employer a list containing the name and the classification of each employee who is identified pursuant to clause (a), the essential services that are to performed by each employee and the location where each employee will perform those essential services.

(7) Subject to section 7-22, if the tribunal issues a decision pursuant to this section or section 7-10 determining that all employees of the public employer are employees who must work during a work stoppage:

(a) the tribunal shall, in its decision, declare that any exercise of the right to strike or lock out would be substantially interfered with; and

(b) after the tribunal makes a declaration pursuant to clause (a):

(i) no public employer that is subject to the decision shall engage in a lockout and no union that is subject to the decision shall declare or authorize a strike; and

(ii) the minister shall give notice to the public employer and the union that all matters in dispute respecting the collective agreement must be resolved by mediation-arbitration in accordance with Division 4, and that Division applies, with any necessary modification, to resolving those matters in dispute.

2015, c.31, s.8.

Public employer or union may apply for further decisions

7-9(1) If there is a change in circumstances after a decision pursuant to this Division has been issued, the public employer or the union may apply to the tribunal that made the decision for a decision to amend, rescind or rescind and replace the decision.

(2) A hearing of the tribunal pursuant to this section must commence within two days after an application is made and must conclude within 14 days after the date on which the hearing commenced or any longer period that the tribunal considers necessary.

(3) Subsections 7-7(3) to (7) apply, with any necessary modification, to an application pursuant to this section.

2015, c.31, s.8.

Period within which further decision must be made

7-10 Within 14 days after the conclusion of its hearing pursuant to section 7-9, the tribunal shall issue a decision:

(a) confirming the decision issued pursuant to this Division; or

(b) amending, rescinding or rescinding and replacing the decision issued pursuant to this Division.

2015, c.31, s.8.

Matters respecting further decision

7-11 As soon as possible after issuing a decision pursuant to section 7-10, the tribunal shall cause a copy of its decision to be served on the public employer, the union and the minister.

2015, c.31, s.8.

Effect of decision

7-12(1) If the tribunal, pursuant to section 7-10, varies all or any of the following, the public employer shall modify the last work schedule provided pursuant to this Division to reflect those variations:

(a) the identification of services as essential services that must be maintained during the work stoppage;

(b) the classifications of employees who must work during the work stoppage to maintain essential services;

(c) the number of positions in one or more classifications who must work during the work stoppage to maintain essential services;

(d) the locations or number of locations where work must be performed during the work stoppage.

(2) The public employer shall provide the work schedule as modified pursuant to subsection (1) to the union.

(3) On receipt of a work schedule from the public employer pursuant to subsection (2), the union shall immediately:

(a) identify the employees within each classification mentioned in the work schedule who must work during the work stoppage to maintain essential services;

(b) provide to each employee identified pursuant to clause (a) his or her work schedule;

(c) provide to each employee identified pursuant to clause (a) a list of the essential services that are to be performed; and

(d) provide to the public employer a list containing the name and the classification of each employee who is identified pursuant to clause (a), the essential services that are to be performed by each employee and the location where each employee will perform those essential services.

When decision is effective

7-13 A decision of the tribunal issued pursuant to this Division is effective 48 hours after the public employer and the union are served with the decision.

2015, c.31, s.8.

DIVISION 4
If Lockout or Strike is Substantially Interfered With

Procedures if lockout or strike is substantially interfered with

7-14(1) Subject to section 7-22, on the application of the public employer or the union, the tribunal that issued a decision pursuant to Division 3 may issue a decision determining whether or not the level of activity to be continued in compliance with the decision substantially interferes with the exercise of the right to strike or lock out.

(2) Subject to section 7-22, if the parties have an essential services agreement and either the public employer or the union is of the opinion that the level of activity to be continued in compliance with the essential services agreement substantially interferes with the exercise of the right to strike or lock out, that party shall serve a written notice stating that opinion on the other party, the minister and the chairperson of the board.

(3) The written notice mentioned in subsection (2) must contain the name of the person whom the party giving the notice appoints to the tribunal.

(4) Within three days after receiving the written notice mentioned in subsection (2), the other party receiving the notice shall serve on the first party, the chairperson of the board and the minister a written notice naming the person whom it appoints to the tribunal.

(5) Section 7-7 applies, with any necessary modification, to establishing a tribunal and to the tribunal that is established pursuant to this section.

(6) The tribunal shall:

(a) determine whether or not the level of activity to be continued in compliance with an essential services agreement, or a decision issued pursuant to Division 3, substantially interferes with the exercise of the right to strike or lock out; and

(b) cause a copy of its decision to be served on the public employer, the union and the minister.

(7) If the tribunal makes a declaration that the level of activity to be continued in compliance with an essential services agreement, or a decision issued pursuant to Division 3, substantially interferes with the exercise of the right to strike or lock out:

(a) no public employer or union that is subject to the decision shall fail, on being served with a copy of the decision, to immediately cease any work stoppage; and

(b) the minister shall give notice to the public employer and the union that all matters in dispute respecting the collective agreement that is the subject of the strike or lockout must be resolved by mediation-arbitration in accordance with this Division.

(8) Within seven days after receipt of the notice mentioned in clause (7)(b) or subclause 7-8(7)(b)(ii), the public employer and the union shall each provide the minister with:

(a) the name of the person that each intends to appoint to the mediation-arbitration board; or

(b) a written agreement in which the parties have agreed to submit the matters in dispute to a single mediator-arbitrator in accordance with sections 7-18 to 7-20.

(9) Notwithstanding subsections (1) to (8) but subject to section 7-22, if the public employer and union agree that the level of activity to be continued in compliance with an essential services agreement or a decision issued pursuant to Division 3 substantially interferes with the exercise of the right to strike or lock out, the parties may agree to resolve all the matters in dispute by mediation-arbitration in accordance with this Division.

(10) If the parties agree pursuant to subsection (9) to submit matters in dispute to mediation-arbitration, they shall each provide the minister with:

(a) the name of the person that each intends to appoint to the mediation-arbitration board; or

(b) a written agreement in which the parties have agreed to submit the matters in dispute to a single mediator-arbitrator in accordance with sections 7-18 to 7-20.

2015, c.31, s.8.

Mediation-arbitration to conclude a collective agreement – mediation-arbitration board

7-15(1) If there is no written agreement mentioned in clause 7-14(8)(b) or (10)(b), within three days after the members of the mediation-arbitration board have been appointed by the parties, the two appointees shall appoint a third member of the mediation-arbitration board, who is to be the chairperson of the mediation-arbitration board.

(2) If the two appointees named by the parties fail to agree on the appointment of a third member of the mediation-arbitration board within the three-day period mentioned in subsection (1), the minister, on the request of a party, shall appoint the third member.

(3) The member of the mediation-arbitration board appointed pursuant to subsection (2) is the chairperson of the mediation-arbitration board.

(4) No person is eligible to be appointed as a member of a mediation-arbitration board or shall act as a member of a mediation-arbitration board if the person:

(a) has a pecuniary interest in a matter before the mediation-arbitration board; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to mediation-arbitration, acted as lawyer or agent of any of the parties to the mediation-arbitration.

Mediation by mediation-arbitration board

7-16(1) Within seven days after the date on which the last member of the mediation-arbitration board is appointed, the mediation-arbitration board shall commence to assist the parties in resolving the matters of the collective agreement in dispute.

(2) If a mediation-arbitration board determines that the parties are unable to resolve the matters of the collective agreement in dispute, the chairperson of the mediation-arbitration board shall provide notice to the public employer, union and the minister of a failure to resolve the matters.

2015, c.31, s.8.

Arbitration by mediation-arbitration board

7-17(1) If notice has been provided pursuant to subsection 7–16(2), the public employer and the union shall, within three days after receiving the notice, each:

(a) submit to the mediation-arbitration board a notice in writing setting out:

(i) a list of the matters agreed on by both parties; and

(ii) a list of the matters remaining in dispute; and

(b) provide a copy of the written notice to the other party.

(2) Within three days after receiving a written notice pursuant to subsection (1), the other party shall provide its written response to the mediation-arbitration board and the party submitting the written notice.

(3) The mediation-arbitration board shall commence the arbitration when:

(a) the mediation-arbitration board has received the written notices pursuant to subsection (1); and

(b) either:

(i) the mediation-arbitration board has received the written responses pursuant to subsection (2); or

(ii) the three-day period mentioned in that subsection has expired.

(4) The mediation-arbitration board may engage the services of any person that it considers necessary to assist in the arbitration.

(5) The mediation-arbitration board shall determine the procedures to be followed, while ensuring that the public employer and the union are given full opportunity to:

(a) present evidence related to the dispute;

(b) make submissions; and

(c) be represented by a lawyer or agent.

(6) A mediation-arbitration board may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the mediation-arbitration board.

(7) If the public employer and the union have settled all matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section and entered into a new collective agreement, the mediation-arbitration board, on being so notified in writing by both the public employer and the union, shall:

(a) discontinue the mediation-arbitration; and

(b) notify the minister of the agreement.

(8) The mediation-arbitration is terminated when the mediation-arbitration board notifies the minister pursuant to subsection (7) of the new collective agreement entered into by the public employer and the union.

(9) If the public employer and the union agree on some of the matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section and the mediation-arbitration board is notified in writing by both the public employer and the union of the matters agreed on, the mediation-arbitration board shall confine the award to:

(a) the matters set out in the notices and responses that are not agreed on; and

(b) any other matters that appear to the mediation-arbitration board to be necessary to be decided in order to make an award.

(10) With respect to the matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section on which the public employer and the union have not agreed, the mediation-arbitration board shall make an award in writing within:

(a) 60 days after the date on which the third member of the mediation-arbitration board was appointed pursuant to section 7-15; or

(b) any longer period that the mediation-arbitration board considers necessary.

(11) The decision of the majority of the members of the mediation-arbitration board or, if there is no majority decision, the decision of the chairperson of the mediation-arbitration board is the award of the mediation-arbitration board.

(12) The award of the mediation-arbitration board pursuant to this section:

(a) is final and conclusive; and

(b) is binding on the parties.

(13) The public employer and the union shall:

(a) bear their own costs of the mediation-arbitration;

(b) pay the remuneration and expenses of the member of the mediation-arbitration board that it has appointed; and

(c) pay an equal share of the remuneration and expenses of a person appointed pursuant to subsection 7-15(1) or (2) as the third member of the mediation-arbitration board.

(14) When the mediation-arbitration board has made an award pursuant to this section, it shall cause a copy of the award to be served on the public employer, the union and the minister.

(15) When the mediation-arbitration board has made an award pursuant to this section, the public employer and the union shall immediately conclude a new collective agreement incorporating any provisions, terms and conditions that may be necessary to give full effect to the mediation-arbitration board's award.

2015, c.31, s.8.

Mediation-arbitration to conclude a collective agreement – single mediator-arbitrator

7-18(1) If the public employer and union have entered into a written agreement pursuant to clause 7-14(8)(b) or (10)(b) to submit the matters in dispute to a single mediator-arbitrator, they shall provide a copy of the written agreement to the minister that includes the name of the person to act as mediator-arbitrator within seven days after entering into the agreement.

(2) No person is eligible to be appointed as a single mediator-arbitrator or shall act as a single mediator-arbitrator if the person:

(a) has a pecuniary interest in a matter before the mediator-arbitrator; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to mediation-arbitration, acted as lawyer or agent of any of the parties to the mediation-arbitration.

2015, c.31, s.8.

Mediation by single mediator-arbitrator

7-19(1) Within seven days after the date on which the minister receives a copy of the written agreement pursuant to section 7-18, the single mediator-arbitrator shall commence to assist the parties in resolving the matters of the collective agreement in dispute.

(2) If the single mediator-arbitrator determines that the parties are unable to resolve the matters of the collective agreement in dispute, the single mediator-arbitrator shall provide notice to the public employer, union and the minister of a failure to resolve the matters.

2015, c.31, s.8.

Arbitration by single mediator-arbitrator

7-20(1) If notice has been provided pursuant to subsection 7-19(2), the public employer and the union shall, within three days after receiving the notice, each:

(a) submit to the single mediator-arbitrator a notice in writing setting out:

(i) a list of the matters agreed on by both parties; and

(ii) a list of the matters remaining in dispute; and

(b) provide a copy of the written notice to the other party.

(2) Within three days after receiving a written notice pursuant to subsection (1), the other party shall provide its written response to the single mediator-arbitrator and the party submitting the written notice.

(3) The single mediator-arbitrator shall commence the arbitration when:

(a) the single mediator-arbitrator has received the written notices pursuant to subsection (1); and

(b) either:

(i) the single mediator-arbitrator has received the written responses pursuant to subsection (2); or

(ii) the three-day period mentioned in that subsection has expired.

(4) The single mediator-arbitrator may engage the services of any person that the single mediator-arbitrator considers necessary to assist in the arbitration.

(5) The single mediator-arbitrator shall determine the procedures to be followed, while ensuring that the public employer and the union are given full opportunity to:

(a) present evidence relating to the dispute;

(b) make submissions; and

(c) be represented by a lawyer or agent.

(6) A single mediator-arbitrator may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the single mediator-arbitrator.

(7) If the public employer and the union have settled all the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section and entered into a new collective agreement, the single mediator-arbitrator, on being so notified in writing by both the public employer and the union, shall:

(a) discontinue the mediation-arbitration; and

(b) notify the minister of the agreement.

(8) The mediation-arbitration is terminated when the single mediator-arbitrator notifies the minister pursuant to subsection (7) of the new collective agreement entered into by the public employer and the union.

(9) If the public employer and the union agree on some of the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section and the single mediator-arbitrator is notified in writing by both the public employer and the union of the matters agreed on, the single mediator-arbitrator shall confine the award to:

(a) the matters set out in the notices and responses that are not agreed on; and

(b) any other matters that appear to the single mediator-arbitrator to be necessary to be decided in order to make an award.

(10) With respect to the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section on which the public employer and the union have not agreed, the single mediator-arbitrator shall make an award in writing within:

(a) 60 days after the date on which the single mediator-arbitrator was appointed; or

(b) any longer period that the single mediator-arbitrator considers necessary.

(11) The award of the single mediator-arbitrator pursuant to this section:

(a) is final and conclusive; and

(b) is binding on the parties.

(12) The public employer and the union shall:

(a) bear their own costs of the mediation-arbitration; and

(b) pay an equal share of the remuneration and expenses of the single mediator-arbitrator.

(13) When the single mediator-arbitrator has made an award pursuant to this section, the single mediator-arbitrator shall cause a copy of the award to be served on the public employer, the union and the minister.

(14) When the single mediator-arbitrator has made an award pursuant to this section, the public employer and the union shall immediately conclude a new collective agreement incorporating any provisions, terms and conditions that may be necessary to give full effect to the single mediator-arbitrator's award.

2015, c.31, s.8.

Matters to be considered by mediation-arbitration board or single mediator-arbitrator

7-21 In making an award pursuant to this Division, a mediation-arbitration board or single mediator-arbitrator:

(a) shall consider, for the period with respect to which the collective agreement between the public employer and the union will be in force, the following:

(i) wages and benefits in private and public, and unionized and non-unionized, employment;

(ii) the continuity and stability of private and public employment, including:

(A) employment levels and incidence of layoffs;

(B) incidence of employment at less than normal working hours; and

(C) opportunity for employment;

(iii) the general economic conditions in Saskatchewan; and

(b) may consider, for the period with respect to which the collective agreement between the public employer and union will be in force, the following:

(i) the terms and conditions of employment in similar occupations outside the public employer's employment taking into account any geographic, industrial or other variations that the mediation-arbitration board or single mediator-arbitrator considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the public employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that the mediation-arbitration board or single mediator-arbitrator considers relevant to the matters in dispute.

2015, c.31, s.8.

Multi-employer bargaining units

7-22(1) In this section:

"multi-employer bargaining units" means bargaining units established pursuant to Division 14 of Part VI;

"substantial interference declaration or agreement" means a declaration pursuant to section 7-8, 7-9 or 7-14 that a right to strike or lock out has been substantially interfered with or an agreement pursuant to subsection 7-14(9) to refer matters in dispute to mediation-arbitration.

(2) A substantial interference declaration or agreement respecting a dispute involving one or more bargaining units within multi-employer bargaining units must be made with respect to all bargaining units within the multi-employer bargaining units for which the union is engaged in collective bargaining.

(3) An application to the tribunal pursuant to section 7-14 with respect to a dispute involving one or more bargaining units within multi-employer bargaining units may be made by a person who is the bargaining agent for public employers in the multi-employer bargaining units.

(4) This Division applies, with any necessary modification, to multi-employer bargaining units.

2015, c.31, s.8.

DIVISION 5
General Matters re Part

Determination of essential services employees

7-23 Every employee who is required to work in accordance with an essential services agreement, or who is identified as an employee who must work during a work stoppage by his or her union in accordance with the provisions of this Part, is deemed to be an essential services employee during those times that the employee is scheduled to perform those essential services.

2015, c.31, s.8.

Obligations of public employers

7-24 No public employer shall authorize, declare or cause a lockout of essential services employees.

2015, c.31, s.8.

Obligations of unions

7-25(1) No union shall authorize, declare or cause a strike of essential services employees.

(2) No union and no person acting on behalf of the union shall, in any manner:

(a) discipline any essential services employee for the reason that the essential services employee complies with this Part; or

(b) direct, authorize or counsel another person to discipline any essential services employee for the reason that the essential services employee complies with this Part.

2015, c.31, s.8.

No person or union to prevent compliance with this Part

7-26 No person or union shall in any manner impede or prevent or attempt to impede or prevent any essential services employee from complying with this Part.

2015, c.31, s.8.

No person or union to aid, abet or counsel non-compliance with this Part

7-27 No person or union shall do or omit to do anything for the purpose of aiding, abetting or counselling any essential services employee not to comply with this Part.

2015, c.31, s.8.

Unfair labour practices re Part

7-28(1) It is an unfair labour practice for a public employer or a union to fail or refuse to engage in collective bargaining with a view to concluding an essential services agreement.

(2) It is an unfair labour practice for a public employer to not take into consideration qualified persons who are in the employ of the public employer and who are not members of the bargaining unit when determining the number of positions in a classification who must work during the work stoppage to maintain essential services.

(3) It is an unfair labour practice for a union to not identify qualified employees when identifying the employees who must work during the work stoppage to maintain essential services.

(4) Part VI applies, with any necessary modification, to an unfair labour practice pursuant to this section.

2015, c.31, s.8.

Essential services employees to continue or resume essential services

7-29(1) If there is a work stoppage:

(a) every essential services employee shall, during those times that the essential services employee is scheduled to work, continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by that employee in accordance with the terms and conditions of the last collective agreement, if any;

(b) the public employer shall, during those times that the essential services employee is scheduled to work, permit or authorize each of its essential services employees to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by those employees in accordance with the terms and conditions of the last collective agreement, if any; and

(c) every person who is authorized on behalf of the union to bargain collectively with the public employer shall give notice to the essential services employees that they must, during those times that the essential services employees are scheduled to work, continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by those employees in accordance with the terms and conditions of the last collective agreement, if any.

(2) If there is a work stoppage, no essential services employee shall, without lawful excuse, fail, during those times that the essential services employee is scheduled to work, to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by him or her.

(3) Neither the public employer nor any person acting on behalf of the public employer shall, without lawful excuse, refuse to permit or authorize, or direct or authorize another person to refuse to permit or authorize, any essential services employee, during those times that the essential services employee is scheduled to work, to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage.

2015, c.31, s.8.

Copies of essential services agreements to be filed with minister

7-30(1) Each of the parties to an essential services agreement shall file one copy of the agreement with the minister.

(2) Section 6-44 applies, with any necessary modification, for the purposes of this section.

2015, c.31, s.8.

Termination of essential services agreement

7-31(1) An essential services agreement continues until it is terminated in accordance with this section.

(2) A party to an essential services agreement may terminate the essential services agreement only if:

(a) the parties have a collective agreement; and

(b) there are at least 120 days left before the expiry of the collective agreement.

(3) A party may terminate an essential services agreement pursuant to subsection (2) by giving the other party written notice.

(4) Nothing in this section affects the obligation of a public employer and a union to engage in collective bargaining with a view to concluding an essential services agreement in accordance with section 7-3.

2015, c.31, s.8.

Requirements for work schedules

7-32 Each work schedule must cover at least one week.

2015, c.31, s.8.

***The Arbitration Act,* *1992* not to apply**

7-33 *The Arbitration Act, 1992* does not apply to any arbitration pursuant to this Part.

2015, c.31, s.8.

Change in membership of tribunal

7-34(1) A public employer or union that has appointed a member of a tribunal may, at any time, rescind the appointment and, if it rescinds an appointment, shall appoint a new member to the tribunal.

(2) A public employer or union that replaces its appointment shall serve written notice of the name of the new member on the other party, the chairperson of the board and the minister as soon as possible after it makes the new appointment.

2015, c.31, s.8.

Offences and penalties re Part

7-35(1) No public employer, union, essential services employee or other person shall fail to comply with this Part, the regulations made pursuant to this Part or a decision or award of the board, a tribunal, a mediation-arbitration board or a single mediator-arbitrator made pursuant to this Part.

(2) Every public employer, union, essential services employee or other person who contravenes any provision of this Part, the regulations made pursuant to this Part or a decision or award of the board, a tribunal, a mediation-arbitration board or a single mediator-arbitrator made pursuant to this Part is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by a public employer or a union or by a person acting on behalf of a public employer or a union, to a fine of not more than $100,000 and, in the case of a continuing offence, to a further fine of $10,000 for each day or part of a day during which the offence continues; and

(b) in the case of an offence committed by any person other than one described in clause (a), to a fine of not more than $1,000 and, in the case of a continuing offence, to a further fine of $400 for each day or part of a day during which the offence continues.

2015, c.31, s.8.

Regulations for Part

7-36 The Lieutenant Governor in Council may make regulations:

(a) prescribing any employer, person, agency or body, or class of employers, persons, agencies or bodies, for the purposes of paragraph 7-1(1)(f)(ii)(A);

(b) for the purposes of clause 7-4(1)(i), prescribing other provisions that must be included in an essential services agreement, including prescribing the contents of those provisions;

(c) prescribing any other matter or thing that is authorized or required by this Part to be prescribed in the regulations;

(d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part

2013, c.S-15.1, s.8-5; 2015, c.31, s.8.

PART VIII
Labour-Management Actions (Temporary Measures During an Election)

Interpretation of Part

8-1 In this Part:

(a) **"contract"** means a contract for services;

(b) **"during an election"** or **"during the election"** means the period commencing on the day on which the writs of election for a general election are issued pursuant to *The Election Act, 1996* and ending on the eighth day following the returns to the writs;

(c) **"employee"** means an employee who is a member of a labour organization;

(d) **"employer"** means an employer of an employee and includes an employer as defined in Part VI;

(e) **"judge"** means a judge of the Court of King's Bench;

(f) **"labour organization"** means a labour organization that represents employees and includes a union as defined in Part VI;

(g) **"lockout"** means a lockout as defined in Part VI;

(h) **"order"** means an order made pursuant to section 8-2;

(i) **"service provider"** means a person who is a member of a group of persons mentioned in subclause (k)(iii);

(j) **"strike"** means a strike as defined in Part VI;

(k) **"work stoppage"** means:

(i) a strike, work slow-down or failure to perform the usual duties of employment by an employee;

(ii) a lockout declared by an employer of an employee;

(iii) a work slow-down or failure to perform the requirements of an existing or expired contract by a group of persons in combination or in concert or in accordance with a common understanding for the purpose of compelling another party to an existing or expired contract to agree to the terms of a new contract or an amendment to a contract; or

(iv) a refusal by a person who has a contract with a service provider to permit the service provider to continue or to resume his or her duties in accordance with the contract.

2013, c.S-15.1, s.8-1; 2024, c4, s.32.

Order of the Lieutenant Governor in Council

8-2(1) On the recommendation of the minister, the Lieutenant Governor in Council may make an order pursuant to this section if, during an election, the minister is of the opinion that a work stoppage creates a situation:

(a) that is of pressing public importance; or

(b) that endangers or may endanger the health or safety of any person in Saskatchewan.

(2) In the circumstances mentioned in subsection (1), the Lieutenant Governor in Council may order that, on and from a date to be specified in the order and during the election:

(a) if the order is with respect to employees:

(i) the employees involved in the work stoppage shall continue or resume the duties of their employment with their employer; and

(ii) the employer named in the order shall permit the employees to continue or resume the duties of their employment; or

(b) if the order is with respect to service providers:

(i) the service providers involved in the work stoppage shall continue or resume their duties as set out in the contract; and

(ii) a person who has a contract with service providers shall permit the service providers to continue or resume their duties.

(3) An order made for the purposes of clause (2)(b) may include a requirement that a person named in the order shall communicate the order to the service providers who are subject to the order.

(4) No person who is subject to an order shall fail, during the election, to immediately cease a work stoppage.

2013, c.S-15.1, s.8-2.

Prohibitions and obligations

8-3(1) No person shall in any manner impede or prevent, or attempt to impede or prevent, any person from complying with an order.

(2) While an order is in effect, no labour organization that represents employees, and no officer, representative or other person acting on behalf of that labour organization, shall authorize, declare or cause a work stoppage.

(3) No labour organization that is subject to an order shall fail to immediately inform the employees that it represents of the following:

(a) the order;

(b) the requirement that each employee continue or resume the duties of his or her employment during the election.

(4) No person mentioned in subsection 8-2(3) shall fail to immediately inform the service providers who are subject to the order of the following:

(a) the order;

(b) the requirement that each service provider continue or resume his or her duties during the election.

2013, c.S-15.1, s.8-3.

Offences and penalties

8-4(1) No person and no labour organization shall fail to comply with this Part or an order.

(2) Every person who or labour organization that contravenes subsection (1) is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by an employee or service provider, to a fine of not more than $1,000, and, in the case of a continuing offence, to a further fine of $400 for each day or part of a day during which the offence continues; or

(b) in the case of an offence committed by a labour organization or by any person other than one described in clause (a), to a fine of not more than $100,000, and, in the case of a continuing offence, to a further fine of $10,000 for each day or part of a day during which the offence continues.

2013, c.S-15.1, s.8-4.

Application to court to direct compliance

8-5(1) If, on the application of an employer, a judge is satisfied that an employee of that employer has failed to comply with an order, the judge may direct that employee to resume the employee's duties of employment with the employer as required by the order.

(2) If, on the application of a labour organization or an employee who has attempted to comply with an order, a judge is satisfied that the employer of the employee has failed to comply with the order, the judge may direct the employer to permit the employee to resume the employee's duties of employment as required by the order.

(3) If, on the application of a person who has a contract with a service provider, a judge is satisfied that the service provider has failed to comply with an order, the judge may direct that service provider to resume his or her duties as required by the order.

(4) If, on the application of a service provider who has attempted to comply with an order, a judge is satisfied that the person who has a contract with the service provider has failed to comply with the order, the judge may direct the person to permit the service provider to resume his or her duties as required by the order.

(5) On an application pursuant to this section, a judge may make any additional orders that the judge considers necessary to ensure compliance with this Part or an order.

2013, c.S-15.1, s.8-5.

PART IX
General

DIVISION 1
Assignment of Wages

Interpretation of Division

9-1 In this Division:

(a) **"assignment of wages"** means an assignment of all or part of an employee's wages to another person;

(b) **"wages"** means **"total wages"** as defined in Part II.

2013, c.S-15.1, s.9-1.

Assignment of wages generally prohibited

9-2 Subject to the other provisions of this Division, an assignment of wages to secure payment of a debt is invalid.

2013, c.S-15.1, s.9-2.

Certain wage assignments valid

9-3 Section 9-2 does not apply to an assignment of wages by an employee in favour of a supplier of tools, equipment or supplies used by the employee in his or her employment.

2013, c.S-15.1, s.9-3.

Assignment of wages to certain credit unions

9-4(1) In this section:

(a) **"assignor"** means an employee who makes an assignment of wages in favour of an employer;

(b) **"credit union"** means a credit union that:

(i) is governed by *The Credit Union Act, 1998*; and

(ii) is organized, directed or controlled by employees of the employer to whom the assignor directs the assignment of wages.

(2) This Division, other than subsections 9-5(2) and (3), does not apply in the case of an assignment of wages by an assignor to a credit union with respect to that portion of the assignor's wages that is not exempt from attachment pursuant to sections 95 and 96 of *The Enforcement of Money Judgments Act*.

2013, c.S-15.1, s.9-4.

Restrictions on wage assignments

9-5(1) Notwithstanding anything in this Part or any agreement, no assignment of wages to secure payment of a debt affects that portion of the assignor's wages that is exempt from attachment pursuant to sections 95 and 96 of *The Enforcement of Money Judgments Act*.

(2) An assignment of wages that is made to secure payment of a debt and that purports to apply to wages owing from future employers is invalid as against any employer by whom the assignor was not employed at the time the assignment was made.

(3) An assignment of wages to secure payment of a debt is deemed not to be a security for any purpose.

2013, c.S-15.1, s.9-5.

DIVISION 2
Other Matters

Offences by corporation

9-6 Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2013, c.S-15.1, s.9-6.

Offences by union

9-7(1) In this section and in section 9-8, **"union"** includes a labour organization as defined in Part VIII.

(2) Every officer or representative of a union who directed, authorized, assented to, acquiesced in or participated in an act or omission of the union that would constitute an offence by the union is guilty of that offence and liable on summary conviction to the penalties provided for that offence whether or not the union has been prosecuted or convicted.

2013, c.S-15.1, s.9-7.

Vicarious liability

9-8 In a prosecution of an offence pursuant to this Act, any act or neglect on the part of a manager, agent, representative, officer, director or supervisor of the accused, whether or not the accused is a corporation or a union, is deemed to be the act or neglect of the accused.

2013, c.S-15.1, s.9-8.

Service

9-9(1) In this section, **"director"** means the director of employment standards appointed pursuant to Part II, the director of occupational health and safety appointed pursuant to Part III or the director of labour relations appointed pursuant to Part VI.

(2) Unless otherwise provided in this Act, any document or notice required by this Act or the regulations to be served on any person other than the director may be served:

(a) by personal service on the person by delivery of a copy of the document or notice;

(b) by sending a copy of the document or notice by registered or certified mail to the last known address of the person or to the address of the person as shown in the records of the ministry;

(c) by personal service at a place of employment on the person's manager, agent, representative, officer, director or supervisor;

(d) by any method set out in *The King's Bench Rules* for the service of documents;

(e) by delivering a copy to the person's lawyer if the lawyer accepts service by endorsing his or her name on a true copy of the document or notice indicating that he or she is the lawyer for that person; or

(f) by sending a copy of the document or notice by electronic transmission if an address for service in a proceeding has been filed respecting the person to be served.

(3) A document or notice to be given to or served on the director must be given or served in the prescribed manner.

(4) A document or notice served by registered mail or certified mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the document or notice or received it at a later date.

(5) If the director is unable to effect service by the methods set out in subsection (2) after making reasonable efforts to do so, the director may serve a document or notice by publishing it in a prescribed manner.

(6) Any person who is required to serve a document or notice pursuant to this Act or the regulations may apply, without notice, to a judge of the Court of King's Bench for an order for substituted service or for an order dispensing with service.

(7) On an application pursuant to subsection (6), a judge of the Court of King's Bench may make an order for substituted service by any means that the judge considers appropriate or an order dispensing with service, if the judge is satisfied that:

(a) prompt service of the document or notice cannot be effected;

(b) the whereabouts of the person to be served cannot be determined; or

(c) the person to be served is evading service.

2013, c.S-15.1, s.9-9; 2017, c 31, s.6; 2018, c 42, s.65; 2020, c 12, s.21; 2024, c4, s.32.

Immunity

9-10 No action or proceeding lies or shall be commenced against the Crown, the minister, the board, any member of the board, the director of employment standards or an employment standards officer appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III, a radiation health officer appointed pursuant to Part V or the director of labour relations, a labour relations officer or an investigating officer appointed pursuant to Part VI, any employee or officer of the ministry or any other person appointed, designated or authorized to take any action or perform any duty pursuant to this Act or the regulations where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2013, c.S-15.1, s.9-10.

Protection from liability re employers and COVID-19 measures

9-10.1(1) In this section, **"good faith effort"** includes an honest effort, whether or not that effort is reasonable.

(2) Subject to the regulations, no action or proceeding lies or shall be commenced or maintained against an employer with respect to any act or omission of the employer if:

(a) the employer acted or made a good faith effort to act in accordance with *The Public Employers' COVID-19 Emergency Regulations* or *The Employers' COVID-19 Emergency Regulations*; and

(b) the act or omission of the employer does not constitute gross negligence.

(3) Subsection (2) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day on which this section comes into force.

(4) Any action or proceeding mentioned in subsection (2) that is commenced before the day on which this section comes into force is deemed to have been dismissed, without costs, on the day on which this section comes into force.

(5) No person is entitled to any compensation or any other remedy or relief for the extinguishment or termination of rights pursuant to this section.

(6) This section applies, with any necessary modification, with respect to a person who is vicariously liable for the acts or omissions of another person if subsection (2) negates the liability of the other person in relation to the act or omission.

(7) The Lieutenant Governor in Council may make regulations for the purposes of this section, including regulations respecting the scope of protection provided pursuant to subsection (2) or imposing terms and conditions on the protection.

(8) A regulation made pursuant to subsection (7) may be made retroactive to a day not earlier than October 1, 2021.

2021, c.38, s.8.

Forms for Act

9-11 Subject to section 6-126, the minister may approve forms to be used for the purposes of this Act and the regulations.

2013, c.S-15.1, s.9-11.

Regulations

9-12(1) The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing and requiring the payment of any fees and charges connected with any action that the minister, the board, the director of employment standards or an employment standards officer appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III, a radiation health officer appointed pursuant to Part V or the director of labour relations or a labour relations officer appointed pursuant to Part VI is required or authorized to take pursuant to this Act or the regulations or any service provided by any of them;

(c) prescribing any other matter or thing that is required or authorized to be prescribed in the regulations;

(d) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) A regulation made pursuant to subsection (1) or pursuant to any other regulation-making power pursuant to this Act may adopt by reference, in whole or in part, with any changes that the Lieutenant Governor in Council or other regulation maker considers necessary, any code, standard or regulation, as amended from time to time or otherwise, and may require compliance with any code, standard or regulation so adopted.

2013, c.S-15.1, s.9-12.

Review of Act

9-13(1) The minister shall cause a review to be conducted of the adequacy of this Act and its administration.

(2) For the purposes of subsection (1):

(a) the minister may cause a review of a Part of this Act to be conducted at a different time from the review of another Part;

(b) the first review of at least one Part of this Act must be conducted within five years after the date on which this Act comes into force and a first review of all Parts of this Act must be conducted within 10 years after the date on which this Act comes into force; and

(c) a review of each Part of this Act must be conducted at least once every five years after the completion of the most recent review of that Part.

2013, c.S-15.1, s.9-13.

Evidentiary effect of documents

9-14(1) In this section:

(a) **"official"** means the director of employment standards appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III or the director of labour relations appointed pursuant to Part VI;

(b) **"rule"** means a rule, direction, designation, authorization, code of practice, order, notice of contravention, compliance undertaking or other instrument issued or entered into pursuant to this Act by the minister, an official or the board.

(2) A document purporting to contain or to be a copy of a rule and purporting to be signed by the minister, an official or a member of the board is admissible in evidence in any court as proof of the rule that it purports to contain or of which it purports to be a copy without proof of the signature of the minister, the official or the member of the board or of his or her appointment.

2013, c.S-15.1, s.9-14.

PART X
Repeals and Consequential Amendments

DIVISION 1
Repeals

R.S.S. 1978, c.A-30 repealed

10-1 *The Assignment of Wages Act* is repealed.

2013, c.S-15.1, s.10-1.

R.S.S. 1978, c.B-8 repealed

10-2 *The Building Trades Protection Act* is repealed.

2013, c.S-15.1, s.10-2.

S.S. 1992, c.C-29.11 repealed

10-3 *The Construction Industry Labour Relations Act, 1992* is repealed.

2013, c.S-15.1, s.10-3.

R.S.S. 1978, c.E-9 repealed

10-4 *The Employment Agencies Act* is repealed.

2013, c.S-15.1, s.10-4.

R.S.S. 1978, c.F-14 repealed

10-5 *The Fire Departments Platoon Act* is repealed.

2013, c.S-15.1, s.10-5.

S.S. 1996, c.H-0.03 repealed

10-6 *The Health Labour Relations Reorganization Act* is repealed.

2013, c.S-15.1, s.10-6.

S.S. 1981-82, c.L-0.1 repealed

10-7 *The Labour-Management Dispute (Temporary Provisions) Act* is repealed.

2013, c.S-15.1, s.10-7.

R.S.S. 1978, c.L-1 repealed

10-8 *The Labour Standards Act* is repealed.

2013, c.S-15.1, s.10-8.

S.S. 1993, c.O-1.1 repealed

10-9 *The Occupational Health and Safety Act, 1993* is repealed.

2013, c.S-15.1, s.10-9.

S.S. 1984-85-86, c.R-1.1 repealed

10-10 *The Radiation Health and Safety Act, 1985* is repealed.

2013, c.S-15.1, s.10-10.

R.S.S. 1978, c.T-17 repealed

10-11 *The Trade Union Act* is repealed.

2013, c.S-15.1, s.10-11.

R.S.S. 1978, c.W-1 repealed

10-12 *The Wages Recovery Act* is repealed.

2013, c.S-15.1, s.10-12.

DIVISION 2
Consequential Amendments

10-13 - 10-35 Dispensed. This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

PART XI
Coming into Force

Coming into force

11-1 This Act comes into force on proclamation.

2013, c.S-15.1, s.11-1.

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The Occupational Health and Safety Regulations, 2020

being

Chapter S-15.1 Reg 10 (effective April 1, 2021) as amended by Saskatchewan Regulations 31/2021.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-15.1 REG 10

The Saskatchewan Employment Act

PART 1
Preliminary Matters

Title

1-1 These regulations may be cited as *The Occupational Health and Safety Regulations, 2020*.

Definitions and Interpretation

1-2(1) In these regulations and in all other regulations made pursuant to the Act:

"Act" means *The Saskatchewan Employment Act*;

"air-purifying respirator" means a respirator that removes airborne contaminants from the air inhaled by a worker;

"approved" means:

(a) approved by an agency acceptable to the director for use in accordance with any terms and conditions determined by the agency; or

(b) approved by a certificate of the director subject to any terms and conditions the director considers appropriate;

"atmosphere-supplying respirator" means a respirator that delivers clean breathing air to a worker from:

(a) a compressor or a cylinder;

(b) an SCBA that is closed or open circuit; or

(c) a combination of an SCBA and supplied air;

"borehole" means a mechanically drilled hole in the ground;

"building shaft" means a continuous vertical space substantially enclosed on all sides that extends for 2 or more floors, and includes an elevator shaft, a ventilation shaft, a stairwell and a service shaft;

"class A qualification" means a certificate that:

(a) is issued by an agency, as defined in section 5-1, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for course duration and content set out in Table 1 of the Appendix; and

(b) qualifies the holder to perform the services set out in Table 2 of the Appendix;

"class B qualification" means a certificate that:

(a) is issued by an agency, as defined in section 5-1, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for course duration and content set out in Table 3 of the Appendix; and

(b) qualifies the holder to perform the services set out in Table 4 of the Appendix;

"Class C fire" means a fire involving energized electrical equipment;

"co-chairpersons' means, with respect to a committee, the worker co-chairperson elected pursuant to clause 4-6(1)(a) and the employer or contractor co-chairperson appointed pursuant to clause 4-6(1)(b);

"committee" means an occupational health committee;

"competent" means competent as defined in Part III of the Act;

"competent worker", with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training;

"connecting linkage" means a lanyard, safety hook, cable or connector inserted between a personal fall arrest system and the D-ring on a worker's full-body harness;

"construction" means the erection, alteration, renovation, repair, dismantling, demolition, structural maintenance and painting of a structure, and includes:

(a) land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting and concreting; and

(b) the installation of any plant;

"dBA" means the sound pressure level in decibels measured on the A scale of a sound level meter;

"dBA L_{ex}" means the level of a worker's total exposure to noise, in dBA, averaged over an entire workday and adjusted to an equivalent 8-hour exposure;

"designated signaller" means a worker designated pursuant to clause 9-21(1)(a) to give signals;

"director" means the director of occupational health and safety;

"escape respirator" means an atmosphere-supplying respirator or an air-purifying respirator that is designed to be used by a worker for escape purposes only;

"excavated shaft" means a dug-out passage into the ground, the longest dimension of which exceeds 1.5 metres and of which the acute angle between the axis of the longest dimension and the vertical is less than 45°;

"excavation" means any dug-out area of ground but does not include a trench, tunnel or excavated shaft;

"first aid" means immediate assistance given in case of injury until medical aid has been obtained;

"first aid attendant" means the holder of a valid:

(a) class A qualification;

(b) class B qualification;

(c) licence to practise issued pursuant to *The Paramedics Act*; or

(d) licence, certificate or other qualification that, in the opinion of the director, is equivalent to or superior to a qualification set out in clauses (a) to (c);

"first aid register" means the register required by section 5-8;

"first aid station" means a work-related area containing the supplies and equipment required by subsection 5-7(1);

"forklift" means a self-propelled machine that has a power-operated upright, angled or telescoping lifting device that can raise and lower a load for the purpose of transporting or stacking;

"full-body harness" means a safety device that:

(a) is capable of suspending a worker without causing the worker to bend at the waist; and

(b) consists of straps that pass over the worker's shoulders and around the worker's legs, an upper dorsal suspension assembly and all integral hardware;

"hand tool" means hand-held equipment that is powered by the energy of a worker;

"harmful" means known to cause harm or injury;

"hazardous" means likely to cause harm or injury in certain circumstances;

"hazardous product" means a hazardous product as defined in the *Hazardous Products Act* (Canada);

"HEPA filter" means a high-efficiency particulate aerosol filter that is at least 99.97% efficient in collecting a 0.3 micrometre aerosol;

"hoist" means a machine that consists of a raising and lowering mechanism;

"immediately dangerous to life or health" means a condition in which a hazardous atmosphere exists to such an extent that a worker who is not using an approved respiratory protective device will suffer escape-impairing or irreversible health effects if the worker does not leave the hazardous atmosphere within 30 minutes;

"instruct" means to give information and direction to a worker with respect to particular subject-matter;

"lifeline" means a length of rope or strap that is attached to a safe point of anchorage at 1 end or, in the case of a horizontal lifeline, at both ends to provide support and a guide for a personal fall arrest system or personnel lowering device;

"licence to practise" means a licence to practise issued pursuant to *The Paramedics Act*;

"locked out" means to have isolated the energy source or sources from equipment, to have dissipated any residual energy in a system and to have secured the isolation by a device that is operated by a key or other process;

"machine" means any combination of mechanical parts that transmits from 1 part to another or otherwise modifies force, motion or energy;

"maintained" means kept in a condition of efficient and safe functioning by a system of regular examination, testing and servicing or repair;

"*The Mines Regulations*" means *The Mines Regulations, 2018*;

"officer" means an occupational health officer;

"operator" means a person who operates any equipment;

"percutaneous" means a route of entry that is through the skin or mucous membrane and includes subcutaneous, intramuscular and intravascular routes of entry;

"personal fall arrest system" means personal protective equipment that:

(a) provides a means of safely arresting the fall of a worker; and

(b) subsequent to the arrest of the fall, does not by itself permit the further release or lowering of the worker;

"personal protective equipment" means any clothing, device or other article that is intended to be worn or used by a worker to prevent injury or to facilitate rescue;

"personnel lowering device" means a device that provides a means of lowering a worker from a height at a controlled rate of descent;

"power tool" means a hand-held machine that is powered by energy other than the energy of a worker;

"powered mobile equipment" means a self-propelled machine or a combination of machines, including a prime mover, that is designed to manipulate or move materials or to provide a work platform for workers;

"professional engineer" means a professional engineer as defined in *The Engineering and Geoscience Professions Act*;

"public highway" means a public highway as defined in *The Highways and Transportation Act, 1997*;

"qualified" means possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project;

"representative" means an occupational health and safety representative;

"respiratory protective device" means a device that is designed to protect a wearer from inhaling a hazardous atmosphere, and includes an atmosphere-supplying respirator, an air-purifying respirator and an escape respirator;

"safeguard" means a guard, shield, wire mesh, guardrail, gate, barrier, safety net, handrail or other similar equipment that is designed to protect the safety of workers, but does not include personal protective equipment;

"SCBA" means self-contained breathing apparatus;

"supervisor" means a supervisor as defined in Part III of the Act;

"train" means train as defined in Part III of the Act;

"travelway" means any place where workers or vehicles regularly travel or pass, and includes a ramp, runway, catwalk, bridge, conveyor, gantry or passage;

"trench" means an elongated dug-out area of land that has a depth that exceeds its width at the bottom;

"tunnel" means an underground passage that has an incline of not more than 45° from the horizontal;

"vehicle" means a machine in, on or by which a person or thing may be transported, and includes powered mobile equipment;

"work" and **"at work"** means:

(a) the time during which a worker is in the course of the worker's employment; or

(b) the time that a self-employed person devotes to work as a self-employed person;

"work-related area" means all places that are ancillary to a place of employment, and includes lunchrooms, restrooms, first aid rooms, lecture rooms, parking lots under the control of the employer or contractor, offices and work camp living accommodations, but does not include a permanent living accommodation.

(2) For the purposes of the Act, these regulations and all other regulations made pursuant to the Act, **"injury"** includes any disease and any impairment of the physical or mental condition of a person.

(3) Any word or expression used but not defined in these regulations or the Act has the meaning commonly given to it at places of employment in the industry concerned.

(4) Unless otherwise expressly stated:

(a) lumber sizes specified in these regulations are lumber sizes after dressing; and

(b) **"lumber"** means lumber that is free of visible defects.

31 Dec 2020 c S-15.1 Reg 10 s1-2.

Giving notice to ministry

1-3(1) Subject to subsection (3), if these regulations require notice to be given to the ministry, the notice must be in writing, directed to the director or an officer and delivered to the director or officer personally or by fax, courier or post.

(2) Notice is deemed not to have been given pursuant to subsection (1) until the notice is actually received by the director or an officer.

(3) In the case of a notice required pursuant to clause 2-2(1)(a), an employer or contractor shall first give notice by telephoning an officer and, in addition, give written notice in the manner set out in subsection (1).

31 Dec 2020 c S-15.1 Reg 10 s1-3.

Generality of duties not limited

1-4(1) A specific duty imposed by these regulations does not limit the generality of any other duty imposed by the Act or other regulations made pursuant to the Act.

(2) A duty or requirement imposed on an employer or a worker by these regulations applies, with any necessary modification, to a self-employed person.

(3) A provision of these regulations that prohibits a worker from carrying out a specified action applies, with any necessary modification, to an employer or a self-employed person.

(4) A provision of these regulations that requires an employer to ensure that a worker carries out or refrains from carrying out a specified action applies, with any necessary modification, to an employer or a self-employed person.

(5) If a provision of these regulations imposes a duty or requirement on more than 1 person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.

(6) Notwithstanding subsection (5) but subject to subsection (8), if the person with the greatest degree of control fails to comply with a provision described in subsection (5), the other persons are not relieved of the obligation to comply with the provision if it is possible for them to comply, and they shall comply with the provision.

(7) If the person with the greatest degree of control complies with a provision described in subsection (5), the other persons are relieved of the obligation to comply with the provision:

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

(b) only if simultaneous compliance by more than 1 person would result in unnecessary duplication of effort and expense; and

(c) only if the health and safety of workers is not put at risk by compliance by only 1 person.

(8) If the person with the greatest degree of control fails to comply with a provision described in subsection (5) but 1 of the other persons 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 clauses (7)(a) to (c), with any necessary modification.

(9) If a provision of these regulations imposes a duty or requirement on a person to ensure that another person carries out or refrains from carrying out a specified action, the person on whom the duty or requirement is placed has complied with the provision if that person establishes that that person took all reasonable steps to ensure that the second person carried out or refrained from carrying out the specified act.

31 Dec 2020 cS-15.1 Reg 10 s1-4.

Certification by professional engineer

1-5 If a provision in these regulations requires a certification by a professional engineer, the certification must be in writing and must bear the official stamp or seal of the professional engineer.

31 Dec 2020 cS-15.1 Reg 10 s1-5

PART 2
Notice Requirements

New operations

2-1(1) As soon as is reasonably possible, an employer, contractor or owner shall give notice to the ministry of the intention to:

(a) begin work at a construction site, manufacturing plant or processing plant where 10 or more workers are to be employed for 6 months or more;

(b) dig an excavation, a trench or an excavated shaft:

(i) that is more than 5 metres deep; and

(ii) that a worker will be required or permitted to enter; or

(c) dig a tunnel that a worker will be required or permitted to enter.

(2) Not later than 14 days before beginning the process, an employer, contractor or owner shall give notice to the ministry of the intention to begin a high risk asbestos process listed in Table 5 of the Appendix.

(3) A notice required by subsection (1) or (2) must include:

(a) the legal name and business name of the employer, contractor or owner;

(b) the location of the site, plant, process or place of employment;

(c) the mailing address of the employer, contractor or owner;

(d) the nature of the work or process to be undertaken;

(e) the number of workers to be employed;

(f) the telephone number and fax number of the employer, contractor or owner; and

(g) the estimated starting date and expected duration of the work or process.

31 Dec 2020 cS-15.1 Reg 10 s2-1.

Accidents causing serious bodily injury

2-2(1) An employer or contractor shall give notice to the ministry as soon as is reasonably possible of every accident at a place of employment that:

(a) causes or may cause the death of a worker; or

(b) will require a worker to be admitted to a hospital as an in-patient for a period of 72 hours or more.

(2) The notice required by subsection (1) must include:

(a) the name of each injured or deceased worker;

(b) the name of the employer of each injured or deceased worker;

(c) the date, time and location of the accident;

(d) the circumstances related to the accident;

(e) the apparent injuries; and

(f) the name, telephone number and fax number of the employer or contractor or a person designated by the employer or contractor to be contacted for additional information.

(3) An employer or contractor shall provide each co-chairperson or the representative with a copy of the notice required by subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s2-2.

Dangerous occurrences

2-3(1) In this section, **"dangerous occurrence"** means any occurrence that does not result in, but could have resulted in, a condition or circumstance set out in subsection 2-2(1), and includes:

(a) the structural failure or collapse of:

(i) a structure, scaffold, temporary falsework or concrete formwork; or

(ii) all or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation;

(b) the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment;

(c) an accidental contact with an energized electrical conductor;

(d) the bursting of a grinding wheel;

(e) an uncontrolled spill or escape of a toxic, corrosive or explosive substance;

(f) a premature detonation or accidental detonation of explosives;

(g) the failure of an elevated or suspended platform; and

(h) the failure of an atmosphere-supplying respirator.

(2) An employer, contractor or owner shall give notice to the ministry as soon as is reasonably possible of any dangerous occurrence that takes place at a place of employment, whether or not a worker sustains injury.

(3) A notice required by subsection (2) must include:

(a) the name of each employer, contractor and owner at the place of employment;

(b) the date, time and location of the dangerous occurrence;

(c) the circumstances related to the dangerous occurrence; and

(d) the name, telephone number and fax number of the employer, contractor or owner or a person designated by the employer, contractor or owner to be contacted for additional information.

(4) An employer, contractor or owner shall provide each co-chairperson or the representative with a copy of the notice required by subsection (2).

31 Dec 2020 cS-15.1 Reg 10 s2-3.

Medical information

2-4(1) Subject to subsection 3-10(2), no person who acquires information of a personal medical nature with respect to a worker pursuant to these regulations shall disclose that information except:

(a) to the worker;

(b) to the chief occupational medical officer;

(c) with the informed consent of the worker, to another person; or

(d) if otherwise required by law.

(2) A physician who attends or treats a worker who is suffering from or believed to be suffering from a medical condition that is related to the present or past employment of the worker and is listed in Table 6 of the Appendix shall, without undue delay, inform the director of:

(a) the medical condition from which the worker is believed to be suffering; and

(b) the name and address of the most recent place of employment where exposure related to the medical condition is believed to have occurred.

31 Dec 2020 c S-15.1 Reg 10 s2-4.

Report re injuries

2-5 On the minister's request, an employer shall provide to the ministry, or to any other agency that may be designated by the minister, a report setting out details of all hours worked and all work-related injuries during the preceding year.

31 Dec 2020 c S-15.1 Reg 10 s2-5.

PART 3
General Duties

General duties of employers

3-1 The duties of an employer at a place of employment include:

(a) the provision and maintenance of plant, systems of work and working environments that ensure, as far as is reasonably practicable, the health, safety and welfare at work of the employer's workers;

(b) arrangements for the use, handling, storage and transport of articles and substances in a manner that protects the health and safety of workers;

(c) the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers at work; and

(d) the provision and maintenance of a safe means of entrance to and exit from the place of employment and all worksites and work-related areas in or on the place of employment.

31 Dec 2020 c S-15.1 Reg 10 s3-1.

General duties of workers

3-2 A worker shall:

(a) use the safeguards, safety appliances and personal protective equipment provided in accordance with these regulations and any other regulations made pursuant to the Act; and

(b) follow the safe work practices and procedures required by or developed pursuant to these regulations and any other regulations made pursuant to the Act.

31 Dec 2020 cS-15.1 Reg 10 s3-2.

Employment of young persons

3-3(1) An employer or contractor shall ensure that no person under the age of 16 years is employed or permitted to work:

(a) on a construction site;

(b) in a production process at a pulp mill, sawmill or woodworking establishment;

(c) in a production process at a smelter, foundry, refinery or metal processing or fabricating operation;

(d) in a confined space;

(e) in a production process in a meat, fish or poultry processing plant;

(f) in a forestry or logging operation;

(g) on a drilling or servicing rig;

(h) as an operator of powered mobile equipment, a crane or a hoist;

(i) if exposure to a chemical or biological substance is likely to endanger the health or safety of the person; or

(j) in power line construction or maintenance.

(2) An employer or contractor shall ensure that no person under the age of 18 years is employed:

(a) underground or in an open pit at a mine;

(b) as a radiation worker;

(c) in an asbestos process as defined in section 23-1;

(d) in a silica process as defined in section 24-1; or

(e) in any activity for which these regulations or any other regulations made pursuant to the Act require the use of an atmosphere-supplying respirator.

31 Dec 2020 cS-15.1 Reg 10 s3-3.

Duty of employer or contractor to provide information

3-4 An employer or contractor shall:

(a) make readily available for reference by workers a copy of:

(i) the Act;

(ii) any regulations made pursuant to the Act that apply to the place of employment or to any work done there; and

(iii) any standards adopted in the regulations that address work practices or procedures and that apply to the place of employment or to any work done there; and

(b) if the information mentioned in clause (a) or in section 3-16 of the Act will be posted, provide a suitable bulletin board to be used primarily to post information on health and safety related to the place of employment.

31 Dec 2020 c S-15.1 Reg 10 s3-4.

Duty of contractor to inform

3-5(1) A contractor shall give notice in writing to every employer, worker or self-employed person at the place of employment, setting out:

(a) the name of the person who is supervising the work on behalf of the contractor;

(b) any emergency facilities provided by the contractor for the use of the employers' workers or self-employed persons; and

(c) the existence of a committee or representative, if any, at the place of employment and the means to contact the committee or representative.

(2) Subsection (1) applies only to contractors at major construction projects and to contractors involved in those activities to which Part 29 applies.

31 Dec 2020 c S-15.1 Reg 10 s3-5.

Supervision of work

3-6(1) An employer or contractor shall ensure that:

(a) all work at a place of employment is sufficiently and competently supervised;

(b) supervisors have sufficient knowledge of all of the following with respect to matters that are within the scope of the supervisor's responsibility:

(i) the Act and any regulations made pursuant to the Act that apply to the place of employment;

(ii) any occupational health and safety program at the place of employment;

(iii) the safe handling, use, storage, production and disposal of chemical and biological substances;

(iv) the need for, and safe use of, personal protective equipment;

(v) emergency procedures required by these regulations;

(vi) any other matters that are necessary to ensure the health and safety of workers under the supervisor's direction; and

(c) supervisors comply with the Act and any regulations made pursuant to the Act that apply to the place of employment and ensure that the workers under their direction comply with the Act and those regulations.

(2) A supervisor shall ensure that the workers under the supervisor's direction comply with the Act and any regulations made pursuant to the Act that apply to the place of employment.

31 Dec 2020 cS-15.1 Reg 10 s3-6.

Duty to inform workers

3-7 An employer shall ensure that each worker:

(a) is informed of the provisions of the Act and any regulations pursuant to the Act that apply to the worker's work at the place of employment; and

(b) complies with the Act and those regulations.

31 Dec 2020 cS-15.1 Reg 10 s3-7.

Training of workers

3-8(1) An employer shall ensure that a worker is trained in all matters that are necessary to protect the health and safety of the worker when the worker:

(a) begins work at a place of employment; or

(b) is moved from 1 work activity or worksite to another that differs with respect to hazards, facilities or procedures.

(2) The training required by subsection (1) must include:

(a) procedures to be taken in the event of a fire or other emergency;

(b) the location of first aid facilities;

(c) identification of prohibited or restricted areas;

(d) precautions to be taken for the protection of the worker from physical, chemical or biological hazards;

(e) any procedures, plans, policies and programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the worker's work at the place of employment; and

(f) any other matters that are necessary to ensure the health and safety of the worker while the worker is at work.

(3) An employer shall ensure that:

(a) the time spent by a worker in the training required by subsection (1) is credited to the worker as time at work; and

(b) the worker does not lose pay or other benefits with respect to that time.

(4) An employer shall ensure that no worker is permitted to perform work unless the worker:

(a) has been trained, and has sufficient experience, to perform the work safely and in compliance with the Act and the regulations; or

(b) is under close and competent supervision.

31 Dec 2020 cS-15.1 Reg 10 s3-8.

Workers' contacts with officers

3-9(1) During an inspection or investigation by an officer at a place of employment, an employer shall allow one of the following to accompany the officer:

(a) the worker co-chairperson or, in the co-chairperson's absence, any other worker that the committee may designate to represent workers;

(b) if there is no committee, a worker designated by the trade union representing workers;

(c) if there is no trade union representing workers, a worker designated by an officer;

(d) the representative.

(2) An employer shall permit any worker or group of workers to consult with an officer during an inspection or investigation at a place of employment.

(3) An employer shall ensure that any time in which a worker consults with an officer, assists an officer or accompanies an officer during an inspection or investigation is considered as time at work and that the worker loses no pay or other benefits.

31 Dec 2020 cS-15.1 Reg 10 s3-9.

Biological monitoring

3-10(1) In this section, **"biological monitoring"** means measuring a worker's total exposure to a physical agent, a chemical substance or a biological substance that is present in a place of employment through the assessment of biological specimens collected from the worker.

(2) If a worker is the subject of biological monitoring, an employer shall ensure that:

(a) the worker is informed of the purposes and the results of the monitoring;

(b) at the worker's request, the detailed results of the monitoring are made available to a physician designated by the worker; and

(c) the aggregate results of the monitoring are given to the committee or the representative.

31 Dec 2020 cS-15.1 Reg 10 s3-10.

Occupational health and safety program

3-11(1) Subject to subsection (2), an occupational health and safety program required by section 3-20 of the Act must include:

(a) a statement of the employer's policy with respect to the protection and maintenance of the health and safety of the workers;

(b) the identification of existing and potential risks to the health or safety of workers at the place of employment and the measures, including procedures to respond to an emergency, that will be taken to reduce, eliminate or control those risks;

(c) the identification of internal and external resources, including personnel and equipment, that may be required to respond to an emergency;

(d) a statement of the responsibilities of the employer, the supervisors and the workers;

(e) a schedule for the regular inspection of the place of employment and of work processes and procedures;

(f) a plan for the control of any biological or chemical substance handled, used, stored, produced or disposed of at the place of employment and, if appropriate, the monitoring of the work environment;

(g) a plan for training workers and supervisors in safe work practices and procedures, including any procedures, plans, policies or programs that the employer is required to develop pursuant to the Act or any regulations made pursuant to the Act that apply to the work of the workers and supervisors;

(h) a procedure for the investigation of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act at the place of employment;

(i) a strategy for worker participation in occupational health and safety activities, including audit inspections and investigations of accidents, dangerous occurrences and refusals to work pursuant to section 3-31 of the Act; and

(j) a procedure to review and, if necessary, revise the occupational health and safety program at specified intervals that are not greater than 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.

(2) The places of employment set out in Table 7 of the Appendix with 10 or more workers are prescribed for the purposes of section 3-20 of the Act.

(3) An employer at a place of employment mentioned in subsection (2) shall establish an occupational health and safety program that meets the requirements set out in subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s3-11.

Examination of plant

3-12 An employer, contractor or owner shall:

(a) arrange for the regular examination of any plant under the control of the employer or owner to ensure, to the extent that is reasonably practicable, that the plant is capable of:

(i) withstanding the stress likely to be imposed on the plant; and

(ii) safely performing the functions for which the plant is used; and

(b) as soon as is reasonably practicable, correct any unsafe condition found in the plant and take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected.

31 Dec 2020 cS-15.1 Reg 10 s3-12.

Identifying mark of approved equipment

3-13 An employer, contractor or supplier shall ensure that equipment and personal protective equipment that is required by these regulations to be approved by a named agency has the seal, stamp, logo or similar identifying mark of the agency indicating that approval affixed to:

(a) the equipment or personal protective equipment; or

(b) the packaging with which the equipment or personal protective equipment is contained.

31 Dec 2020 cS-15.1 Reg 10 s3-13.

Maintenance and repair of equipment

3-14(1) An employer shall ensure that all equipment is maintained at intervals that are sufficient to ensure the safe functioning of the equipment.

(2) If a defect is found in equipment, an employer shall ensure that:

(a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is corrected; and

(b) the defect is corrected by a competent person as soon as is reasonably practicable.

(3) A worker who knows or has reason to believe that equipment under the worker's control is not in a safe condition shall:

(a) immediately report the condition of the equipment to the employer; and

(b) repair the equipment if the worker is authorized and competent to do so.

31 Dec 2020 cS-15.1 Reg 10 s3-14.

Boilers and pressure vessels

3-15 An employer, contractor or owner shall ensure that any boiler or pressure vessel used at a place of employment that is not required to be inspected or registered pursuant to *The Boiler and Pressure Vessel Act, 1999* is properly constructed and maintained.

31 Dec 2020 cS-15.1 Reg 10 s3-15.

Prohibition re use of compressed air

3-16 No employer shall require or permit compressed air to be directed towards a worker:

(a) for the purpose of cleaning clothing or personal protective equipment used by that worker; or

(b) for any other purpose if the use of compressed air may cause dispersion into the air of contaminants that may be harmful to workers.

31 Dec 2020 cS-15.1 Reg 10 s3-16.

Inspection of place of employment

3-17(1) An employer, contractor or owner shall allow members of a committee or a representative to inspect a place of employment at reasonable intervals determined by the committee or the representative and employer.

(2) On written notice by the committee or the representative of an unsafe condition or a contravention of the Act or any regulations made pursuant to the Act, the employer, contractor or owner shall:

(a) take immediate steps to protect the health and safety of any worker who may be at risk until the unsafe condition is corrected or the contravention is remedied;

(b) as soon as possible, take suitable actions to correct the unsafe condition or remedy the contravention; and

(c) inform the committee or the representative in writing of:

(i) the actions that the employer, contractor or owner has taken or will take pursuant to clause (b); or

(ii) the employer's, contractor's or owner's reasons for not taking action if the employer, contractor or owner has not taken any actions pursuant to clause (b).

31 Dec 2020 cS-15.1 Reg 10 s3-17.

Investigation of certain accidents

3-18(1) Subject to section 3-19, an employer shall ensure that every accident that causes or may cause the death of a worker or that requires a worker to be admitted to a hospital as an in-patient for a period of 24 hours or more is investigated as soon as is reasonably possible by:

(a) the co-chairpersons or their designates;

(b) the employer and the representative; or

(c) if there is no committee or representative, the employer.

(2) After the investigation of an accident, an employer, in consultation with the co-chairpersons or the their designates, or with the representative, shall prepare a written report that includes:

(a) a description of the accident;

(b) any graphics, photographs or other evidence that may assist in determining the cause or causes of the accident;

(c) an explanation of the cause or causes of the accident;

(d) the immediate corrective action taken; and

(e) any long-term action that will be taken to prevent the occurrence of a similar accident or the reasons for not taking action.

31 Dec 2020 cS-15.1 Reg 10 s3-18.

Prohibition re scene of accident

3-19(1) Unless expressly authorized by statute or by subsection (2), no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article, document or thing at the scene of or connected with an accident causing a death until an officer has completed an investigation of the circumstances surrounding the accident.

(2) When an accident causing a death occurs and an officer is not able to complete an investigation of the circumstances surrounding the accident, an officer may, unless prohibited by statute, grant permission to move the wreckage, articles and things at the scene or connected with the accident to any extent that may be necessary to allow the work to proceed, only if:

(a) graphics, photographs or other evidence showing details at the scene of the accident are made before the officer grants permission; and

(b) the co-chairpersons of a committee or the representative for the place of employment at which the accident occurred or their designates have inspected the site of the accident and agreed that the wreckage, article or thing may be moved.

31 Dec 2020 cS-15.1 Reg 10 s3-19.

Investigation of dangerous occurrences

3-20(1) An employer, contractor or owner shall ensure that every dangerous occurrence as defined in subsection 2-3(1) is investigated as soon as is reasonably possible by:

(a) the co-chairpersons or their designates;

(b) the employer, contractor or owner and the representative; or

(c) if there is no committee or representative, the employer, contractor or owner.

(2) After the investigation of a dangerous occurrence, an employer, contractor or owner, in consultation with the co-chairpersons or their designates or with the representative, shall prepare a written report that includes:

(a) a description of the dangerous occurrence;

(b) any graphics, photographs or other evidence that may assist in determining the cause or causes of the dangerous occurrence;

(c) an explanation of the cause or causes of the dangerous occurrence;

(d) the immediate corrective action taken; and

(e) any long-term action that will be taken to prevent the occurrence of a similar dangerous occurrence or the reasons for not taking action.

31 Dec 2020 cS-15.1 Reg 10 s3-20.

Injuries requiring medical treatment

3-21(1) An employer or contractor shall report to the co-chairpersons, the representative or their designates any lost-time injury at the place of employment that results in a worker receiving medical treatment.

(2) The employer or contractor shall allow the co-chairpersons, the representative or their designates a reasonable opportunity to review the lost-time injury mentioned in subsection (1) during normal working hours and without loss of pay or other benefits.

31 Dec 2020 cS-15.1 Reg 10 s3-21.

Work where visibility is restricted

3-22 If visibility in an area at a place of employment is restricted by smoke, steam or any other substance to the extent that a worker is at risk of injury, an employer or contractor shall not require or permit the worker to work in that area unless the employer or contractor provides the worker with an effective means of communication with another worker who is readily available to provide assistance in an emergency.

31 Dec 2020 cS-15.1 Reg 10 s3-22.

Work or travel on ice over water, etc.

3-23(1) Before a worker is required or permitted to work or travel on ice that is over water or over other material into which a worker could sink more than 1 metre, an employer or contractor shall have the ice tested to ensure that the ice will support any load that the work or travel will place on the ice.

(2) Subsection (1) does not apply to ice roads built and maintained by the Ministry of Highways and Infrastructure.

31 Dec 2020 cS-15.1 Reg 10 s3-23.

Working alone or at isolated place of employment

3-24(1) In this section, **"to work alone"** means to work at a worksite as the only worker of the employer or contractor at that worksite, in circumstances where assistance is not readily available to the worker in the event of injury, ill health or emergency.

(2) If a worker is required to work alone or at an isolated place of employment, an employer or contractor, in consultation with the committee, the representative or, if there is no committee or representative, the workers, shall identify the risks arising from the conditions and circumstances of the worker's work or the isolation of the place of employment.

(3) An employer or contractor shall take all reasonably practicable steps to eliminate or reduce the risks identified pursuant to subsection (2).

(4) The steps to be taken to eliminate or reduce the risks pursuant to subsection (3):

(a) must include the establishment of an effective communication system that consists of:

(i) radio communication;

(ii) phone or cellular phone communication; or

(iii) any other means that provides effective communication in view of the risks involved; and

(b) may include any of the following:

(i) regular contact by the employer or contractor with the worker working alone or at an isolated place of employment;

(ii) limitations on, or prohibitions of, specified activities;

(iii) establishment of minimum training or experience, or other standards of competency;

(iv) provision of personal protective equipment;

(v) establishment of safe work practices or procedures;

(vi) provision of emergency supplies for use in travelling under conditions of extreme cold or other inclement weather conditions.

31 Dec 2020 cS-15.1 Reg 10 s3-24.

Harassment

3-25(1) An employer, in consultation with the committee, shall develop a policy in writing to prevent harassment that includes:

(a) a definition of harassment that includes the definition in the Act;

(b) a statement that every worker is entitled to employment free of harassment;

(c) a commitment that the employer will make every reasonably practicable effort to ensure that no worker is subjected to harassment;

(d) a commitment that the employer will take corrective action respecting any person under the employer's direction who subjects any worker to harassment;

(e) an explanation of how complaints of harassment may be brought to the attention of the employer;

(f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except if disclosure is:

(i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint; or

(ii) required by law;

(g) a reference to the provisions of the Act respecting harassment and the worker's right to request the assistance of an occupational health officer to resolve a complaint of harassment;

(h) a reference to the provisions of *The Saskatchewan Human Rights Code* respecting discriminatory practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission;

(i) a description of the procedure that the employer will follow to inform the complainant and the alleged harasser of the results of the investigation; and

(j) a statement that the employer's harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

(2) An employer shall:

(a) implement the policy developed pursuant to subsection (1); and

(b) post a copy of the policy in a conspicuous place that is readily available for reference by workers.

31 Dec 2020 c S-15.1 Reg 10 s3-25.

Violence

3-26(1) In this section, **"violence"** means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

(2) Places of employment that provide the following services or activities are prescribed for the purposes of subsection 3-21(1) of the Act:

(a) services provided by health care facilities mentioned in clauses (a) to (e) and (l) of the definition of "health care facilities" in section 31-1;

(b) pharmaceutical-dispensing services;

(c) education services;

(d) police services;

(e) corrections services;

(f) other law enforcement services;

(g) security services;

(h) crisis counselling and intervention services;

(i) late night retail premises as defined in section 3-27;

(j) financial services;

(k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages;

(l) taxi services;

(m) transit services.

(3) A policy statement and prevention plan required by subsection 3-21(1) of the Act must be in writing and must include:

(a) the employer's commitment to minimize or eliminate the risk;

(b) the identification of the worksites where violent situations have occurred or may reasonably be expected to occur;

(c) the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations;

(d) the procedure to be followed by the employer to inform workers of the nature and extent of risk from violence, including, except if the disclosure is prohibited by law, any information in the employer's possession related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work;

(e) the actions the employer will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements and engineering controls;

(f) the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the employer;

(g) the procedure the employer will follow to document and investigate a violent incident reported pursuant to clause (f);

(h) a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post incident counselling; and

(i) the employer's commitment to provide a training program for workers that includes:

(i) the means to recognize potentially violent situations;

(ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers;

(iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and

(iv) procedures for reporting violent incidents.

(4) If a worker receives treatment or counselling mentioned in clause (3)(h) or attends a training program mentioned in clause (3)(i), an employer shall credit the worker's attendance as time at work and ensure that the worker loses no pay or other benefits.

(5) An employer shall make readily available for reference by workers a copy of the policy statement and prevention plan required by subsection 3-21(1) of the Act.

(6) An employer shall ensure that the policy statement and prevention plan required by subsection 3-21(1) of the Act is reviewed and, if necessary, revised every 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.

31 Dec 2020 cS-15.1 Reg 10 s3-26.

Safety measures – retail premises

3-27(1) In this section, **"late night retail premises"** means a place of employment that is open to the public between the hours of 11:00 p.m. and 6:00 a.m. for the purposes of making retail sales to consumers.

(2) In addition to the requirements imposed by sections 3-24 and 3-26, an employer of workers at a late night retail premises shall conduct a workplace hazard assessment in accordance with an approved industry standard.

(3) The employer shall conduct the workplace hazard assessment required by subsection (2):

(a) in the case of an employer who operates a late night retail premises on the day on which this section comes into force, as soon as is reasonably practicable after the day on which this section comes into force;

(b) in the case of an employer who operates a place of employment that becomes a late night retail premises after the day on which this section comes into force, as soon as is reasonably practicable after the day on which the place of employment became a late night retail premises.

(4) An employer shall ensure that the workplace hazard assessment required by subsection (2) is reviewed and, if necessary, revised every 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.

(5) In addition to the requirements of sections 3-24 and 3-26, an employer of workers at a late night retail premises shall implement the following security measures:

(a) the development of written safe cash handling procedures that minimize the amount of money that is readily accessible to the worker in the establishment;

(b) the use of video cameras that capture key areas in the workplace, including the cash desk and the outdoor gas pumps, if applicable;

(c) the establishment of measures to ensure good visibility into and out of the premises; and

(d) the placement of signs to indicate:

(i) the worker's limited accessibility to cash and valuables; and

(ii) the use of video cameras on the premises.

(6) An employer of workers at a late night retail premises that has 1 worker working alone between the hours of 11:00 p.m. and 6:00 a.m. shall, in addition to the requirements set out in section 3-24 and subsection (5):

(a) implement a check-in system and a written check-in procedure for that worker; and

(b) provide a personal emergency transmitter to be worn by the worker that signals for emergency response when activated.

31 Dec 2020 cS-15.1 Reg 10 s3-27.

PART 4
Committees and Representatives

Committees at construction sites

4-1 A contractor shall establish a committee at a construction site at which 10 or more workers or self-employed persons work or are likely to work for more than 90 days.

31 Dec 2020 cS-15.1 Reg 10 s4-1.

Designation of committee members

4-2(1) An employer or contractor who is required to establish a committee shall:

(a) in designating the members:

(i) select persons to represent the employer or contractor on the committee; and

(ii) ensure that there is a sufficient number of members representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns; and

(b) designate members for a term not exceeding 3 years.

(2) Members of a committee hold office until a successor is designated, and may be re-designated for a second or subsequent term.

31 Dec 2020 cS-15.1 Reg 10 s4-2.

Quorum and certain votes

4-3(1) A quorum consists of one-half of the members of a committee, if:

(a) representatives of both employers and workers are present; and

(b) at least one-half of the members present represent workers.

(2) Any business of a committee that is transacted if a quorum is not present is not validly transacted, and any meeting of a committee that is held if a quorum is not present is not a valid meeting of the committee.

(3) Decisions of a committee with respect to refusals to work pursuant to section 3-31 of the Act must be by unanimous vote of members of the committee who are present.

31 Dec 2020 cS-15.1 Reg 10 s4-3.

Frequency of meetings

4-4(1) Subject to subsection (2), a committee shall:

(a) hold its first meeting within 2 weeks after being established;

(b) hold 3 subsequent meetings at intervals not exceeding 1 month; and

(c) after that, hold regular meetings at intervals not exceeding 3 months.

(2) The director may require a committee to meet more frequently than subsection (1) requires because of any of the following factors at the place of employment:

(a) the existence of particular hazards or circumstances;

(b) the complexity of the operation;

(c) the number of workers.

31 Dec 2020 cS-15.1 Reg 10 s4-4.

Minutes

4-5(1) A committee shall:

(a) record minutes of each meeting in a format provided by the ministry and keep the minutes on file with the committee;

(b) post a copy of the minutes at a location that is readily accessible to workers at the place of employment until all concerns recorded in the minutes are resolved.

(2) The employer shall maintain a copy of the minutes and have them readily available for inspection by a committee member or an occupational health officer.

31 Dec 2020 cS-15.1 Reg 10 s4-5.

Co-chairpersons

4-6(1) At the first meeting of a committee:

(a) members of the committee representing workers shall elect a worker co-chairperson from among their members; and

(b) the employer or contractor shall appoint an employer or contractor co-chairperson from the members of the committee representing the employer or contractor.

(2) An employer or contractor co-chairperson shall keep the employer or contractor informed of the activities, concerns and recommendations of the committee and of any information addressed to the committee.

(3) A worker co-chairperson shall keep the workers informed of the activities, concerns and recommendations of the committee and of any information addressed to the committee.

(4) An employer or contractor shall facilitate the discharge of the worker co-chairperson's duties during normal work hours by permitting meetings of workers or by other means that are appropriate in the circumstances.

31 Dec 2020 cS-15.1 Reg 10 s4-6.

Special meetings

4-7 Either co-chairperson mentioned in section 4-6 may call a special meeting of a committee to deal with urgent concerns, imminent dangers to health or safety, investigations of accidents or dangerous occurrences or refusals to work pursuant to section 3-31 of the Act.

31 Dec 2020 cS-15.1 Reg 10 s4-7.

Designation of representative

4-8(1) The places of employment set out in Table 7 of the Appendix where more than 4 but fewer than 10 workers of 1 employer work are prescribed for the purposes of section 3-24 of the Act.

(2) An employer at a place of employment described in subsection (1) shall designate a representative for the workers at that place of employment not later than the day on which the place of employment is prescribed pursuant to subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s4-8.

Training of representatives, committee members

4-9(1) At a place of employment where a representative is designated, an employer shall ensure that the representative receives training respecting the duties and functions of a representative.

(2) At a place of employment where a committee is established, an employer or contractor shall ensure that the co-chairpersons of the committee receive training respecting the duties and functions of a committee.

(3) If a member of a committee or a representative gives reasonable notice, an employer or contractor shall permit the member or representative to take leave for a period or periods of not more than 5 working days per year to attend occupational health and safety training programs, seminars or courses of instruction.

(4) If a member of a committee or a representative attends a training program, seminar or course of instruction on health and safety matters conducted or provided by the ministry or by an approved training agency, an employer or contractor shall credit the member's or representative's attendance as time at work and ensure that the member or representative loses no pay or other benefits.

31 Dec 2020 cS-15.1 Reg 10 s4-9.

Meetings of employers and representatives

4-10(1) At a place of employment where a representative is designated, an employer shall meet with the representative regularly to discuss health and safety matters.

(2) A representative may call a special meeting with an employer to deal with urgent concerns, imminent dangers to health or safety or investigations of accidents or dangerous occurrences.

31 Dec 2020 cS-15.1 Reg 10 s4-10.

Opportunity for necessary activities

4-11(1) An employer or contractor shall ensure that:

(a) the members of a committee or a representative are allowed to examine any log book, inspection report or other record that the employer or contractor is required to keep at the place of employment pursuant to the Act or any regulations made pursuant to the Act;

(b) members of a committee or a representative have reasonable opportunity, during normal working hours and without loss of pay or other benefits, to receive and investigate concerns, to inform workers of the provisions of the Act or any regulations made pursuant to the Act or to conduct other business proper to the functioning of the committee or the representative;

(c) members of a committee have reasonable opportunity to hold a special meeting pursuant to section 4-7 at any time; and

(d) a representative has reasonable opportunity to hold a special meeting pursuant to subsection 4-10(2) at any time.

(2) An employer or contractor shall ensure that no member of a committee or representative who participates in a regular meeting held pursuant to section 4-4 or subsection 4-10(1) or in a special meeting held pursuant to section 4-7 or 4-12 or subsection 4-10(2) loses any pay or other benefits as a result of that participation.

31 Dec 2020 cS-15.1 Reg 10 s4-11.

Meetings called by officer

4-12 An officer may call a special meeting of a committee, of several committees jointly, of the co-chairpersons of committees or with a representative for the purpose of:

(a) ensuring the proper functioning of the committee, committees or representative;

(b) providing information to the committee, committees, co-chairpersons or representative; or

(c) providing education concerning occupational health or safety at work to the committee, committees, co-chairpersons or representative.

31 Dec 2020 cS-15.1 Reg 10 s4-12.

PART 5
First Aid

Definitions for Part

5-1 In this Part:

"agency" means a body, person, association, society or other organization that delivers first aid training courses and cardiopulmonary resuscitation training courses by 1 or more competent instructors;

"close", in relation to a place of employment or worksite, means a place of employment or worksite that is not more than 30 minutes' travel time from a hospital or medical facility under normal travel conditions using the available means of transportation by road;

"CSA standard" means the Canadian Standards Agency standard CSA Z1220-17, *First aid kits for the workplace*;

"high-hazard work" means work regularly involving any activity set out in Table 8 of the Appendix;

"instructor" means a person who has successfully completed first aid and cardiopulmonary resuscitation instructor training;

"low-hazard work" means work of an administrative, professional or clerical nature that does not require substantial physical exertion or exposure to potentially hazardous conditions, work processes or substances;

"medical facility" means a medical clinic or office where a physician or registered nurse is always readily available;

"risk" means a combination of the likelihood of the occurrence of harm and the severity of that harm;

"workplace first aid risk assessment" means a process to determine the risk level in a workplace as it relates to the provision of workplace first aid services, first aid kits and supplies as defined in CSA standard.

31 Dec 2020 cS-15.1 Reg 10 s5-1.

Application

5-2 This Part does not apply to:

(a) a hospital, medical clinic, physician's office, nursing home or other health care facility where a physician or a registered nurse is always readily available; or

(b) a close place of employment at which the work performed is entirely low-hazard work.

31 Dec 2020 cS-15.1 Reg 10 s5-2.

Provision of first aid

5-3 Subject to section 5-4, an employer, contractor or owner shall:

(a) provide the personnel, supplies, equipment, facilities and transportation required by this Part to render prompt and appropriate first aid to workers at every worksite;

(b) subject to clause (c), provide first aid supplies and equipment that meet the appropriate classification and minium requirements for the place of employment or worksite as set out in CSA standard;

(c) undertake a workplace first aid risk assessment conducted by a competent person to determine the appropriate classification for the place of employment or worksite in accordance with the guidelines as set out in Annex A of CSA standard;

(d) in consultation with the committee, the representative or, if there is no committee or representative, the workers, review the provisions of this Part;

(e) if the provisions of this Part are not adequate to meet any specific hazard at a place of employment, provide additional suitable personnel, supplies, equipment and facilities that are appropriate for the hazard; and

(f) ensure that, if a worker may be entrapped or incapacitated in a situation that may be dangerous to any person involved in the rescue operation:

(i) an effective written procedure for the rescue of that worker is developed; and

(ii) suitable personnel and rescue equipment are provided.

31 Dec 2020 cS-15.1 Reg 10 s5-3.

More than 1 employer

5-4(1) If more than 1 employer has workers at the same place of employment:

(a) the employers and any contractor or owner may agree in writing to provide collectively the personnel, supplies, equipment, facilities and transportation for injured workers required by this Part; or

(b) the director may, by notice in writing, require all employers, contractors and owners to provide collectively the personnel, supplies, equipment, facilities and transportation for injured workers required by this Part.

(2) For the purposes of subsection (1), the total number of workers of all employers at the place of employment is deemed to be the number of workers at the place of employment.

31 Dec 2020 cS-15.1 Reg 10 s5-4.

First aid personnel

5-5(1) An employer or contractor shall:

(a) provide the personnel set out in Table 9 of the Appendix for:

(i) the level of risk associated with the work carried out at the place of employment as determined by a workplace first aid risk assessment; and

(ii) the number of workers at the place of employment at any one time; and

(b) ensure that the personnel are readily available during working hours.

(2) An employer or contractor shall ensure that the personnel required pursuant to subsection (1) have the qualifications set out in Table 1 or Table 3 of the Appendix, as the case may require.

(3) A person who possesses credentials in first aid that, in the opinion of the director, are equivalent to or superior to the credentials required for a place of employment may serve as a first aid attendant at that place of employment.

(4) If rescue personnel are required by these regulations to be provided at a worksite, an employer or contractor shall ensure that at least 1 first aid attendant with a class A qualification is readily available during working hours, whether or not the employer or contractor is required to provide a class A first aid attendant pursuant to subsection (1).

(5) Notwithstanding any other provision of this Part, if an employer, contractor or owner provides lodging for workers at or near an isolated or distant place of employment, the employer, contractor or owner shall provide the personnel, supplies, equipment and facilities required pursuant to section 5-3(b) and Table 9 of the Appendix based on the total number of workers at or near the place of employment, whether or not the workers are all working at any one time.

(6) An employer or contractor shall:

(a) allow a first aid attendant and any other worker that the first aid attendant needs for assistance to provide prompt and adequate first aid to a worker who has been injured or taken ill; and

(b) ensure that the first aid attendant and any worker assisting the first aid attendant have adequate time, with no loss of pay or other benefits, to provide the first aid.

31 Dec 2020 cS-15.1 Reg 10 s5-5.

Certificates

5-6(1) No certificate issued by an agency is valid for the purposes of this Part unless the certificate specifies the duration and content of the course for which the certificate is issued and the expiry date of the certificate.

(2) A certificate may specify:

(a) a period not exceeding 3 years for which the certificate is valid; and

(b) the conditions for the renewal of the certificate.

31 Dec 2020 cS-15.1 Reg 10 s5-6.

First aid station

5-7(1) An employer or contractor shall provide and maintain for every worksite a readily accessible first aid station that contains:

(a) a first aid kit containing the supplies and equipment mentioned in section 5-3(b);

(b) a suitable first aid manual; and

(c) any other supplies and equipment required by these regulations.

(2) An employer or contractor shall ensure that:

(a) the location of a first aid station is clearly and conspicuously identified; and

(b) at a first aid station, an appropriate emergency procedure is prominently displayed that includes:

(i) an emergency telephone list or other instructions for reaching the nearest fire, police, ambulance, physician, hospital or other appropriate service; and

(ii) any written rescue procedure required by subclause 5-3(f)(i).

31 Dec 2020 cS-15.1 Reg 10 s5-7.

First aid register

5-8 An employer or contractor shall ensure that:

(a) each first aid station is provided with a first aid register;

(b) all particulars of the following are recorded in the first aid register:

(i) each first aid treatment administered to a worker while at work;

(ii) each case referred for medical attention;

(c) a first aid register is readily available for inspection by the committee or representative; and

(d) a first aid register no longer in use is retained at the place of employment for a period of not less than 5 years from the day on which the register ceased to be used.

31 Dec 2020 cS-15.1 Reg 10 s5-8.

First aid room

5-9 If there are likely to be 100 or more workers at a distant or isolated place of employment at any one time, an employer, contractor or owner shall provide a first aid room that:

(a) is of adequate size, is clean and is provided with adequate lighting, ventilation and heating;

(b) is equipped with:

(i) a permanently installed sink, with hot and cold water;

(ii) the first aid supplies and equipment required by this Part; and

(iii) a cot or bed with a moisture-protected mattress and pillows;

(c) is readily accessible to workers;

(d) is under the charge of a first aid attendant with the qualifications required by this Part who is readily available to provide first aid; and

(e) is used exclusively for the purposes of administering first aid and medical examinations and to provide rest for persons who are injured or ill.

31 Dec 2020 cS-15.1 Reg 10 s5-9.

Workers being transported

5-10 If workers are being transported by an employer or contractor to or from work or at work, and a first aid station, medical clinic, physician's office, hospital or other health care facility is not readily available, an employer or contractor shall provide a first aid kit that contains at least the supplies and equipment that are consistent with the requirements in CSA standard and that is readily available to the workers being transported.

31 Dec 2020 cS-15.1 Reg 10 s5-10.

First aid supplies and equipment

5-11(1) An employer or contractor shall ensure that:

(a) all first aid supplies and equipment are protected and kept in a clean and dry state;

(b) no supplies, equipment or materials other than supplies and equipment for first aid are kept in the first aid kit mentioned in clause 5-7(1)(a).

(2) At a place of employment where a first aid attendant is required pursuant to section 5-5, an employer or contractor shall provide the additional first aid supplies and equipment necessary to perform the duties if:

(a) a first aid attendant with a class A qualification is required;

(b) a first aid attendant with a class B qualification is required; or

(c) a person with licence to practise is required.

(3) An employer or contractor shall provide and make readily accessible to workers any additional specialized first aid supplies or equipment as determined by a workplace first aid risk assessment.

31 Dec 2020 c S-15.1 Reg 10 s5-11.

Transportation of injured workers

5-12(1) An employer or contractor shall ensure that a means of transportation for injured workers to a medical facility or hospital is available.

(2) The following meet the requirements of subsection (1):

(a) an ambulance service that is within 30 minutes' travel time from the ambulance base to the place of employment under normal travel conditions; or

(b) a means of transportation that is suitable, having regard to the distance to be travelled and the risks to which workers are exposed, that affords protection against the weather and is equipped, if reasonably practicable, with a means of communication that permits contact with the medical facility or hospital to which the injured worker is being transported and with the place of employment.

(3) If a stretcher is required to be provided in accordance with a workplace first aid risk assessment, an employer or contractor shall ensure that the means of transportation provided pursuant to clause (2)(b) is capable of accommodating and securing an occupied stretcher.

(4) An employer or contractor shall provide a means of communication to summon the transportation required by subsection (1).

(5) If a worker is seriously injured or, in the opinion of a first aid attendant, needs to be accompanied during transportation, an employer or contractor shall ensure that the worker is accompanied by a first aid attendant during transportation.

31 Dec 2020 c S-15.1 Reg 10 s5-12.

Asphyxiation and poisoning

5-13 If a worker is at risk of asphyxiation or poisoning, an employer or contractor shall ensure that all practicable emergency arrangements are made for the rescue of the worker and for the prompt provision of antidotes, supportive measures, first aid, medical attention and any other measures that are appropriate to the nature and probable effects of the asphyxia or poisoning.

31 Dec 2020 c S-15.1 Reg 10 s5-13.

Additional provisions

5-14 If, in the opinion of the director, first aid and emergency arrangements at a place of employment or worksite are inadequate, the director may, by notice in writing, require the employer or contractor to make additional provisions.

31 Dec 2020 c S-15.1 Reg 10 s5-14.

PART 6
General Health Requirements

Sanitation

6-1(1) An employer, contractor or owner shall ensure that a place of employment is sanitary and kept as clean as is reasonably practicable and shall ensure, to the extent that is reasonably practicable, that:

(a) dirt and debris are removed at least daily by a suitable method from all floors, working surfaces, stairways and passages;

(b) floors are cleaned at least once each week by washing, vacuum cleaning or any other effective and suitable method; and

(c) all inside walls, partitions, ceilings, passages and staircases are clean and are suitably finished and maintained.

(2) If a worker may be exposed to refuse, spills or waste materials that may pose a risk to the worker's health or safety, an employer or contractor shall ensure that the refuse, spill or waste material is removed by a suitable method from the worksite as soon as is reasonably practicable.

31 Dec 2020 c S-15.1 Reg 10 s6-1.

Ventilation and air supply

6-2 An employer, contractor or owner shall:

(a) ensure the adequate ventilation of a place of employment; and

(b) to the extent that is reasonably practicable, render harmless and inoffensive, and prevent the accumulation of, any contaminants or impurities in the air by providing an adequate supply of clean and wholesome air and maintaining its circulation throughout the place of employment.

31 Dec 2020 c S-15.1 Reg 10 s6-2.

Mechanical ventilation

6-3(1) An employer, contractor or owner shall provide a mechanical ventilation system in a place of employment that is sufficient and suitable to protect the workers against inhalation of a contaminant and to prevent accumulation of the contaminant and ensure that the mechanical ventilation system is maintained and properly used, if any work, activity or process in the place of employment gives off:

(a) a dust, fume, gas, mist, aerosol or vapour or other contaminant of a kind and quantity that is likely to be hazardous to workers; or

(b) substantial quantities of contaminants of any kind.

(2) An employer, contractor or owner who provides a mechanical ventilation system at a place of employment, whether required by subsection (1) or not, shall ensure that the system provides sufficient fresh and tempered air to replace the air exhausted by ventilation.

(3) If practicable, an employer, contractor or owner shall ensure that a mechanical ventilation system required by subsection (1):

(a) includes local exhaust ventilation that is installed and maintained at or near the point of origin of the contaminant so as to prevent effectively the contaminant from entering the air of the place of employment; and

(b) is equipped with a device that will provide a warning to workers when the system is not working effectively.

(4) An employer, contractor or owner shall ensure that contaminants removed by a mechanical ventilation system required by subsection (1) are:

(a) exhausted clear of the place of employment; and

(b) if reasonably practicable, prevented from entering any place of employment.

(5) An employer, contractor or owner shall ensure that effective provision is made for the immediate protection of workers in the event of failure of a mechanical ventilation system required by subsection (1).

(6) If an air cleaning system is used to clean recirculated air, an employer, contractor or owner shall ensure that the air cleaning system is designed, installed and maintained to remove particulate and gaseous contaminants at a rate that is sufficient to protect the health and safety of workers and, if it is reasonably practicable, to render the air inoffensive.

31 Dec 2020 c S-15.1 Reg 10 s6-3.

Cleaning and maintaining ventilation systems

6-4(1) An employer, contractor or owner shall ensure that:

(a) the mechanical ventilation system, including any humidification equipment, is constructed and maintained to minimize the growth and dissemination of microorganisms, insects and mites through the ventilation system; and

(b) if reasonably practicable, the components of a mechanical ventilation system are readily accessible for cleaning and inspection.

(2) An employer, contractor or owner shall ensure that a competent person inspects and maintains all parts of a mechanical ventilation system, cleans all louvres and replaces or adequately cleans all filters at a frequency that is sufficient to protect the health and safety of the workers.

(3) An employer, contractor or owner shall keep all ventilation openings free of any obstruction or source of contamination.

(4) An employer, contractor or owner shall ensure that a record of all inspections, maintenance and cleaning of a mechanical ventilation system required by subsection 6-3(1):

(a) is made by the competent person who performs the work; and

(b) is readily available for examination by the committee, the representative or, if there is no committee or representative, the workers.

31 Dec 2020 c S-15.1 Reg 10 s6-4.

Space

6-5(1) An employer or contractor shall ensure that no part of a place of employment is overcrowded to a degree that may cause risk of injury to workers.

(2) Without limiting the generality of subsection (1), an employer or contractor shall ensure that there is at least 10 cubic metres of space for each worker employed at any one time at a worksite.

(3) For the purposes of subsection (2), no space that is more than 3 metres from the floor and no space occupied by solid objects are to be taken into account.

31 Dec 2020 c S-15.1 Reg 10 s6-5.

Lighting

6-6(1) While workers are present at a worksite, an employer, contractor or owner shall provide lighting that is sufficient to protect the health and safety of workers and suitable for the work to be done at the worksite.

(2) An employer, contractor or owner shall ensure that the illumination of all parts of a place of employment where workers pass, other than underground at a mine, is at least 5 decalux.

(3) If failure of the regular lighting system is likely to create conditions dangerous to the health or safety of workers, an employer, contractor or owner shall provide appropriate emergency lighting of at least 5 decalux for the worksite and exit routes from the worksite.

(4) An employer, contractor or owner shall ensure that:

(a) light fixtures, windows and skylights that provide light for work are, if practicable, kept clean and free from any obstruction, except for special treatment of light fixtures, windows or skylights to reduce heat or glare; and

(b) artificial light sources and reflective surfaces are positioned, screened or provided with a shade, if practicable, to prevent glare or the formation of shadows that cause discomfort or a risk of accident to a worker.

31 Dec 2020 c S-15.1 Reg 10 s6-6.

Thermal conditions

6-7(1) Subject to subsection (3), in an indoor place of employment, an employer, contractor or owner shall provide and maintain thermal conditions, including air temperature, radiant temperature, humidity and air movement, that:

(a) are appropriate to the nature of the work performed;

(b) provide effective protection for the health and safety of workers; and

(c) provide reasonable thermal comfort for workers.

(2) At an indoor place of employment where the thermal environment is likely to be a health or safety concern to the workers, an employer, contractor or owner shall provide and maintain an appropriate and suitably located instrument for measuring the thermal conditions.

(3) If it is not reasonably practicable to control thermal conditions or if work is being performed outdoors, an employer, contractor or owner shall provide and maintain measures for:

(a) the effective protection of the health and safety of workers; and

(b) the reasonable thermal comfort of workers.

(4) Measures for the purposes set out in subsection (3) may include, but are not limited to, the following:

(a) frequent monitoring of thermal conditions;

(b) the provision of special or temporary equipment, including screens, shelters and temporary heating or cooling equipment;

(c) the provision of suitable clothing or personal protective equipment;

(d) the provision of hot or cold drinks;

(e) the use of acclimatization or other physiological procedures;

(f) the use of limited work schedules with rest and recovery periods, changes in workloads, changes in hours or other arrangements for work;

(g) frequent observation of workers by a person who is trained to recognize the symptoms of physiological stress resulting from extreme temperatures;

(h) the provision of emergency supplies for use when travelling under extremely cold or inclement weather conditions.

(5) If a worker is required to work in thermal conditions that are different from those associated with the worker's normal duties, an employer or contractor shall provide, and require the worker to use, any suitable clothing or other personal protective equipment that is necessary to protect the health and safety of the worker.

31 Dec 2020 c S-15.1 Reg 10 s6-7.

Toilet facilities

6-8(1) An employer, contractor or owner shall ensure that suitable and readily accessible toilet facilities for workers:

(a) are provided at a place of employment, maintained and kept clean;

(b) are sufficient in number for the number of workers at the place of employment at any one time; and

(c) have adequate provision for privacy, heat, light and ventilation.

(2) Subject to subsections (3) to (6), the minimum number of toilet facilities required pursuant to subsection (1) is set out in Table 10 of the Appendix.

(3) If toilet facilities are likely to be used by persons other than workers, an employer, contractor or owner shall provide additional toilets in a number that is proportionate to the number set out in Table 10 of the Appendix and, if use by those other persons is substantial and frequent, the employer, contractor or owner shall provide separate toilet facilities for those other persons.

(4) If there are more than 10 workers and both male and female persons are employed at any time, an employer, contractor or owner shall provide separate toilet facilities for workers of each sex in numbers that are proportionate to the numbers of male and female persons employed.

(5) If each toilet compartment is completely enclosed from floor to ceiling and has a door that can be locked from the inside, an employer, contractor or owner is deemed to have met the requirements of subsection (4).

(6) If more than 100 male persons work or are likely to work on any shift and sufficient urinal accommodations are provided, the minimum number of toilet facilities set out in Table 10 of the Appendix may be reduced with the permission of an officer.

(7) An employer, contractor or owner shall ensure that each toilet facility required by this section:

(a) is used exclusively for the purposes for which the facility is designed;

(b) is free from any obstacle or obstruction that could prevent the facility from being used;

(c) is kept free of vermin;

(d) is supplied with toilet tissue at all times and with easily cleanable, covered receptacles for waste materials; and

(e) except in the case of a urinal, is equipped with an individual compartment and a door that can be locked from the inside.

31 Dec 2020 cS-15.1 Reg 10 s6-8.

Personal washing

6-9 An employer, contractor or owner shall provide and maintain for the use of workers suitable facilities for personal washing that:

(a) are located near each toilet at a place of employment;

(b) have a supply of clean hot and cold water or warm water, soap and clean towels or other suitable means of cleaning and drying;

(c) have an easily cleanable, covered receptacle for waste materials;

(d) are adequately heated, ventilated and lighted; and

(e) are kept in a clean and neat condition.

31 Dec 2020 cS-15.1 Reg 10 s6-9.

Clothing

6-10(1) Subject to subsection (2), an employer, contractor or owner shall provide at a place of employment and maintain for the use of workers clean, appropriately located and suitable accommodation for street clothing that is not worn at work and for clothing worn at work.

(2) If street clothing not worn at work is likely to become wet, dirty or contaminated from being kept in the same accommodation as clothing worn at work, the accommodation for street clothing must be separate from the accommodation provided for clothing worn at work.

(3) If a worker's work clothing or skin is likely to be contaminated by hazardous or offensive substances, an employer or contractor shall:

(a) provide protective clothing and head cover appropriate to the work and hazard;

(b) provide a suitable changing area; and

(c) ensure that the clothing and head cover is handled and cleaned or disposed of in a manner that will prevent worker exposure to hazardous or offensive substances.

31 Dec 2020 cS-15.1 Reg 10 s6-10.

Change and shower facilities

6-11 If a worker's skin is likely to be contaminated by harmful or offensive substances as part of the regular work processes at a place of employment, an employer, contractor or owner shall:

(a) if reasonably practicable, provide and maintain suitable, adequate and clean change and shower facilities; and

(b) allow sufficient time, during normal working hours without loss of pay or other benefits, for the worker to use the facilities.

31 Dec 2020 cS-15.1 Reg 10 s6-11.

Eating areas

6-12(1) An employer, contractor or owner shall provide sufficient, suitable areas that are kept clean, dry, thermally comfortable and reasonably quiet for workers to eat and drink during work breaks.

(2) At places of employment where the substances used in the work or the work processes are dusty, dirty or otherwise likely to contaminate a worker's person, clothing or food, the employer, contractor or owner shall provide an eating area that is separate from the worksite and close to washing facilities.

31 Dec 2020 cS-15.1 Reg 10 s6-12.

Drinking water

6-13(1) An employer, contractor or owner shall provide, at suitable points that are readily accessible to all workers, an adequate supply of clean and safe drinking water.

(2) If the supply of drinking water at a place of employment is not piped, an employer, contractor or owner shall:

(a) provide drinking water in suitable covered containers;

(b) protect the drinking water from contamination; and

(c) change the drinking water as often as is necessary to ensure that the water is clean and safe to drink.

(3) Except if drinking water is supplied in an upward jet, an employer, contractor or owner shall provide an adequate supply of disposable cups near each supply of drinking water.

(4) If it is necessary to identify the supply of drinking water, an employer, contractor or owner shall clearly indicate the supply of drinking water with a sign that says "Drinking Water" or by another visual means.

(5) If there is a supply of water at a place of employment that is unfit for drinking, an employer, contractor or owner shall clearly indicate the supply of water with a permanently fixed, durable sign that says "Unfit for Drinking" or by another visual means.

31 Dec 2020 c S-15.1 Reg 10 s6-13.

Smoking

6-14(1) In this section:

"enclosed place of employment" means a place of employment that is within a building or another enclosed place and includes:

(a) a vehicle; and

(b) any of the following areas of an underground mine:

(i) a mine shaft;

(ii) a refuge station required pursuant to *The Mines Regulations*;

(iii) a lunch room;

(iv) any area, other than one mentioned in subclauses (i) to (iii), that is within 10 metres of where a worker, self-employed person, employer, contractor or owner is present;

"enclosed work-related area" means a work-related area that is within a building or another enclosed place;

"enclosed worksite" means a worksite that is within a building or another enclosed place;

"smoke" means to smoke, hold or otherwise have control over ignited tobacco;

"tobacco" means tobacco in any form in which it is used or consumed, and includes snuff and raw leaf tobacco, but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act* (Canada) applies.

(2) Subject to subsections (3) and (4), an employer, contractor or owner shall ensure that no person smokes in:

(a) an enclosed place of employment;

(b) an enclosed work-related area; or

(c) any other place of employment where smoking is prohibited by law.

(3) Subsection (2) does not apply to the following places or persons:

(a) an enclosed place of employment or enclosed work-related area while it is being used with the consent of the proprietor for traditional Aboriginal spiritual or cultural practices or ceremonies, if the use of tobacco is an integral part of the traditional Aboriginal spiritual or cultural practices or ceremonies being carried out in the enclosed place of employment or enclosed work-related area;

(b) residents or persons visiting residents in an enclosed place that:

(i) is ventilated separately from the rest of the enclosed place of employment or enclosed work-related area;

(ii) is within:

(A) a facility designated as a special-care home pursuant to *The Facility Designation Regulations*; or

(B) a personal care home as defined in *The Personal Care Homes Act* that offers care and accommodation to more than 10 persons; and

(iii) meets the requirements set out in *The Tobacco Control Act* and the regulations made pursuant to that Act.

(4) No person while at work shall smoke in any enclosed place of employment or enclosed work-related area where smoking is prohibited pursuant to this section unless:

(a) the person is:

(i) a self-employed person in a place of employment that:

(A) is ventilated separately from other places of employment or work-related areas; and

(B) is owned by the self-employed person;

(ii) a worker in a vehicle who has the permission of the owner or lessee of the vehicle to smoke in the vehicle; or

(iii) a self-employed person or worker who is the sole occupant of a work camp living accommodation if:

(A) the living accommodation is ventilated separately from other places of employment or enclosed work-related areas; and

(B) the self-employed person or worker has the permission of the owner or operator of the work camp to smoke in the living accommodation;

(b) no other worker, self-employed person, employer, contractor or owner is present on a frequent and regular basis in any of the places of employment or enclosed work-related areas mentioned in clause (a); and

(c) no other worker, self-employed person, employer, contractor or owner is present when the person mentioned in clause (a) is smoking.

(5) Subject to subsection (6), a worker may refuse to enter an enclosed worksite if:

(a) visible tobacco smoke is present; or

(b) fewer than 30 minutes have passed since a tobacco product was extinguished in the enclosed worksite, whether or not visible tobacco smoke is present.

(6) Subsection (5) does not apply if the worker is required to enter the enclosed worksite to prevent imminent injury or damage to persons or property located within the enclosed worksite.

(7) If smoking is permitted pursuant to subsection (3) or (4), an employer, contractor or owner shall:

(a) restrict workers' exposure or self-employed persons' exposure to second-hand tobacco smoke to the extent that is reasonably practicable; and

(b) inform workers and self-employed persons of the risk to their health from second-hand tobacco smoke.

(8) An employer, contractor or owner shall ensure that in every enclosed place of employment where smoking is prohibited:

(a) signs are posted in locations that are clearly visible to those entering the enclosed place of employment that indicate that smoking is prohibited; and

(b) no ashtray or other receptacle designed to be used as an ashtray is present within the enclosed place of employment.

31 Dec 2020 cS-15.1 Reg 10 s6-14.

Lifting and handling loads

6-15(1) An employer or contractor shall ensure, if reasonably practicable, that suitable equipment is provided and used for the handling of heavy or awkward loads.

(2) If the use of equipment is not reasonably practicable, an employer or contractor shall take all practicable means to adapt heavy or awkward loads to facilitate lifting, holding or transporting by workers or to otherwise minimize the manual handling required.

(3) An employer or contractor shall ensure that no worker engages in the manual lifting, holding or transporting of a load that, by reason of its weight, size or shape, or by any combination of these or by reason of the frequency, speed or manner in which the load is lifted, held or transported, is likely to be injurious to the worker's health or safety.

(4) An employer or contractor shall ensure that a worker who is to engage in the lifting, holding or transporting of loads receives appropriate training in safe methods of lifting, holding or carrying of loads.

31 Dec 2020 cS-15.1 Reg 10 s6-15.

Standing

6-16(1) If workers are required to stand for long periods in the course of their work, an employer or contractor shall provide adequate anti-fatigue mats, footrests or other suitable devices to give relief to workers.

(2) If wet processes are used, an employer or contractor shall ensure that reasonable drainage is maintained and that false floors, platforms, mats or other dry standing places are provided, maintained and kept clean.

31 Dec 2020 cS-15.1 Reg 10 s6-16.

Sitting

6-17(1) If, in the course of their work, workers have reasonable opportunities for sitting without substantial detriment to their work, an employer or contractor shall provide and maintain for their use appropriate seating to enable the workers to sit.

(2) If a substantial portion of any work can properly be done sitting, an employer or contractor shall provide and maintain:

(a) a seat that is suitably designed, constructed, dimensioned and supported for the worker to do the work; and

(b) if needed, a footrest that can readily and comfortably support the worker's feet.

31 Dec 2020 cS-15.1 Reg 10 s6-17.

Musculoskeletal injuries

6-18(1) In this section, **"musculoskeletal injury"** means an injury or disorder of the muscles, tendons, ligaments, nerves, joints, bones or supporting vasculature that may be caused or aggravated by any of the following:

(a) repetitive motions;

(b) forceful exertions;

(c) vibration;

(d) mechanical compression;

(e) sustained or awkward postures;

(f) limitations on motion or action;

(g) other ergonomic stressors.

(2) An employer or contractor, in consultation with the committee, shall regularly review the activities at the place of employment that may cause or aggravate musculoskeletal injuries.

(3) If a risk of musculoskeletal injury is identified, an employer or contractor shall:

(a) inform each worker who may be at risk of developing musculoskeletal injury of that risk and of the signs and common symptoms of any musculoskeletal injury associated with that worker's work; and

(b) provide effective protection for each worker who may be at risk, which may include any of the following:

(i) providing equipment that is designed, constructed, positioned and maintained to reduce the harmful effects of an activity;

(ii) implementing appropriate work practices and procedures to reduce the harmful effects of an activity;

(iii) implementing work schedules that incorporate rest and recovery periods, changes in workload or other arrangements for alternating work to reduce the harmful effects of an activity.

(4) An employer or contractor shall ensure that workers who may be at risk of developing musculoskeletal injury are instructed in the safe performance of the worker's work, including the use of appropriate work practices and procedures, equipment and personal protective equipment.

(5) If a worker has symptoms of musculoskeletal injury, an employer or contractor shall:

(a) advise the worker to consult a physician or a health care professional who is registered or licensed pursuant to an Act to practise any of the healing arts; and

(b) promptly review the activities of that worker and of other workers doing similar tasks to identify any cause of the symptoms and to take corrective measures to avoid further injuries.

31 Dec 2020 cS-15.1 Reg 10 s6-18.

Shift work and constant effort and exertion

6-19 If a worker works shifts or a worker's work demands constant and uninterrupted mental effort or constant and uninterrupted physical exertion, an employer or contractor, in consultation with the committee, shall:

(a) assess the risks to the worker's health and safety of the worker's work; and

(b) inform the worker of the nature and extent of the risks mentioned in clause (a) and the ways to eliminate or reduce those risks.

31 Dec 2020 cS-15.1 Reg 10 s6-18.

Visually demanding tasks

6-20(1) An employer or contractor, in consultation with the committee, shall identify any tasks that involve a potentially harmful visual demand on a worker.

(2) An employer or contractor shall:

(a) take all practicable steps to reduce the harmful visual demand of those tasks;

(b) inform the worker of the risk of performing those tasks;

(c) advise the worker to consult a physician or an optometrist if any persistent vision impairment, disability or visual strain results from performing the tasks;

(d) if a worker cannot attend a consultation mentioned in clause (c) during the worker's time off work, permit the worker to attend the consultation during normal working hours without loss of pay or other benefits; and

(e) if a worker cannot recover the costs of a consultation mentioned in clause (c), reimburse the worker for the costs of the consultation that, in the opinion of the director, are reasonable.

31 Dec 2020 cS-15.1 Reg 10 s6-20.

Radioactive substances

6-21(1) Subject to Part V of *The Saskatchewan Employment Act* and *The Radiation Health and Safety Regulations, 2005* if a radioactive substance or a device containing a radioactive substance is handled, used, stored or disposed of, an employer:

(a) in consultation with the committee, the representative or, if there is no committee or representative, the workers, shall develop safe work practices and procedures to handle, use, store and dispose of radioactive substances or devices containing radioactive substances; and

(b) on request, shall make available to the committee, the representative or the workers any licence issued to the employer pursuant to the *Nuclear Safety and Control Act* (Canada).

(2) An employer shall ensure that the safe work practices and procedures developed pursuant to clause (1)(a) are implemented.

31 Dec 2020 cS-15.1 Reg 10 s6-21.

Exposure control plan

6-22(1) In this section:

"engineering controls" means physical controls or barriers that isolate or remove an infectious disease hazard and includes:

(a) medical devices approved by Health Canada that have engineered sharps injury protections;

(b) sharps disposal containers;

(c) needleless systems and needles with engineered sharps injury protections as defined in section 31-9; and

(d) other devices that isolate or remove sharps hazards;

"expose" means harmful contact with an infectious material or organism from inhalation, ingestion, skin or mucous membrane contact or percutaneous injury;

"exposure control plan" means an exposure control plan required pursuant to subsection (2);

"infectious material or organism" means an infectious material or organism that has been identified in an approved manner as an infectious disease hazard that poses a significantly increased exposure risk to a worker or self-employed person.

(2) If workers are required to handle, use or produce an infectious material or organism or are likely to be exposed at a place of employment, an employer, in consultation with the committee, shall develop and implement an exposure control plan to eliminate or minimize worker exposure.

(3) An exposure control plan must:

(a) be in writing;

(b) identify any workers at the place of employment who may be exposed;

(c) identify categories of tasks and procedures that may put workers at risk of exposure;

(d) describe the ways in which an infectious material or organism can enter the body of a worker and the risks associated with that entry;

(e) describe the signs and symptoms of any disease that may arise for a worker exposed at the place of employment;

(f) describe infection control measures to be used, such as the following:

(i) vaccination;

(ii) engineering controls;

(iii) personal protective equipment;

(iv) safe work practices and procedures; and

(v) standard practices that incorporate universal precautions;

(g) identify the limitations of the infection control measures described pursuant to clause (f);

(h) set out procedures to be followed in each of the following circumstances:

(i) if there has been a spill or leak of an infectious material or organism;

(ii) if a worker has been exposed;

(iii) if a worker believes that the worker has been exposed;

(i) set out the methods of cleaning, disinfecting or disposing of clothing, personal protective equipment or other equipment contaminated with an infectious material or organism that must be followed and indicate who is responsible for carrying out those activities;

(j) describe the training to be provided to workers who may be exposed and the means by which this training will be provided;

(k) require the investigation and documentation, in a manner that protects the confidentiality of the exposed worker, of any work-related exposure incident, including the route of exposure and the circumstances in which the exposure occurred; and

(l) require the investigation of any occurrence of an occupationally transmitted infection or infectious disease to identify the route of exposure and implement measures to prevent further infection.

(4) If subsection (2) applies to an employer, that employer must describe in the employer's exposure control plan the steps that will be taken to ensure compliance with this section and, if applicable, subsection 31-9(3).

(5) No employer shall allow a worker to undertake any tasks or procedures mentioned in clause (3)(c) unless the worker has been trained with respect to the exposure control plan and the use of control measures appropriate for the task or procedure undertaken.

(6) An employer, in consultation with the committee, shall review the adequacy of the exposure control plan, and amend the plan if necessary, at least every 2 years or as necessary to reflect advances in infection control measures, including engineering controls.

(7) An employer shall make a copy of the exposure control plan and any amendments to that plan readily available to every worker who may be exposed.

(8) An employer shall:

(a) inform workers who are required to handle, use or produce an infectious material or organism or who may be exposed at a place of employment of the following:

(i) any vaccine recommended for workers with respect to that risk in the *Canadian Immunization Guide*, published by the Public Health Agency of Canada , and recommended by:

(A) a medical health officer appointed pursuant to *The Public Health Act* or a designated public health officer within the meaning of *The Public Health Act, 1994* whose powers and responsibilities include those set out in Part IV of *The Public Health Act, 1994*; or

(B) a physician with expertise in immunization or the control of communicable diseases;

(ii) the risks associated with taking a vaccine mentioned in subclause (i);

(b) with the worker's consent, arrange for the worker to receive any vaccination recommended pursuant to subclause (a)(i) during the worker's normal working hours and reimburse the worker for any costs associated with receiving the vaccination; and

(c) if a worker cannot receive a vaccination mentioned in subclause (a)(i) during the worker's normal working hours, credit the worker's attendance for the vaccination as time at work and ensure that the worker does not lose any pay or other benefits.

(9) If a worker has been exposed to blood or potentially infectious bodily fluids at a place of employment, an employer shall, with the consent of the worker, during the worker's normal working hours, arrange for immediate medical evaluation and intervention by a qualified person in an approved manner and for confidential post-exposure counselling.

(10) If a worker cannot receive medical evaluation, medical intervention or post-exposure counselling during the worker's normal working hours, an employer shall credit the worker's attendance for evaluation, intervention or counselling as time at work and shall ensure that the worker does not lose any pay or other benefits.

(11) Nothing in these regulations prohibits an employer or contractor from purchasing supplies in bulk together with another employer or contractor but each employer or contractor is responsible for ensuring the employer or contractor's compliance with these regulations.

31 Dec 2020 cS-15.1 Reg 10 s6-22.

Special vaccination leave

6-22.1 For the purpose of permitting its workers to receive a COVID-19 vaccination, an employer must:

(a) provide, at the request of its workers, a leave of:

(i) a minimum of 3 consecutive hours; or

(ii) any period longer than 3 consecutive hours if, in the opinion of the employer, the circumstances warrant a longer period; and

(b) ensure that the worker does not lose any pay or other benefits.

26 Mar 2021 SR 31/2021 s3.

Part 7
Personal Protective Equipment

Use of equipment required

7-1(1) If it is not reasonably practicable to protect the health and safety of workers by design of the plant and work processes, suitable work practices or administrative controls, an employer or contractor shall ensure that every worker wears or uses suitable and adequate personal protective equipment.

(2) If personal protective equipment will not effectively protect a worker, an employer or contractor shall, if reasonably practicable, provide alternative work arrangements for that worker.

31 Dec 2020 cS-15.1 Reg 10 s7-1.

General responsibilities

7-2(1) If an employer or contractor is required by these regulations or any other regulations made pursuant to the Act to provide personal protective equipment, the employer or contractor shall:

(a) supply approved personal protective equipment to the workers at no cost to the workers;

(b) ensure that the personal protective equipment is used by the workers;

(c) ensure that the personal protective equipment is at the worksite before work begins;

(d) ensure that the personal protective equipment is stored in a clean, secure location that is readily accessible to workers;

(e) ensure that each worker is aware of the location of the personal protective equipment and trained in its use;

(f) inform the workers of the reasons why the personal protective equipment is required to be used and of the limitations of its protection; and

(g) ensure that personal protective equipment provided to a worker:

(i) is suitable and adequate and a proper fit for that worker;

(ii) is maintained and kept in a sanitary condition; and

(iii) is removed from use or service when damaged.

(2) If an employer or contractor requires a worker to clean and maintain personal protective equipment, the employer shall ensure that the worker has adequate time during normal working hours without loss of pay or other benefits for this purpose.

(3) If reasonably practicable, an employer or contractor shall make appropriate adjustments to the work procedures and the rate of work to eliminate or reduce the danger or discomfort to the worker that may arise from the worker's use of personal protective equipment.

(4) A worker who is provided with personal protective equipment by an employer or contractor shall:

(a) use the personal protective equipment; and

(b) take reasonable steps to prevent damage to the personal protective equipment.

(5) If personal protective equipment provided to a worker becomes defective or otherwise fails to provide the protection it was intended for, the worker shall:

(a) return the personal protective equipment to the employer or contractor; and

(b) inform the employer or contractor of the defect or other reason why the personal protective equipment does not provide the protection that it was intended to provide.

(6) An employer or contractor shall immediately repair or replace any personal protective equipment returned to the employer or contractor pursuant to clause (5)(a).

Respiratory protective devices

7-3(1) If a worker is likely to be exposed to dust, fumes, gas, mist, aerosol or vapour or any airborne contaminant that may be present in any amounts that are harmful or offensive to the worker, an employer or contractor shall:

(a) provide an approved respiratory protective device for use by the worker that:

(i) provides suitable and adequate protection to the worker from one or more airborne contaminants;

(ii) is the proper size for the worker's face;

(iii) if a tight fit is essential to the proper functioning of the respiratory protective device, makes an effective seal to the facial skin of the worker; and

(iv) if a tight fit is essential to ensure the worker is not exposed to one or more airborne contaminants to an extent that may pose a risk of significant harm to the worker, has been fit-tested by a competent person in an approved manner;

(b) ensure that the respiratory protective device is regularly cleaned and maintained in an approved manner; and

(c) ensure that the respiratory protective device is kept, when not in use, in a convenient and sanitary location in which the respiratory protective device is not exposed to extremes of temperature or to any contaminant that may inactivate the respiratory protective device.

(2) If a respiratory protective device as required by subsection (1) is provided to a worker, the employer or contractor shall ensure that the worker:

(a) has been trained by a competent person in the proper testing, maintenance, use and cleaning of the respiratory protective device and in its limitations;

(b) can demonstrate that the worker:

(i) understands the training provided pursuant to clause (a);

(ii) can test, maintain and clean the respiratory protective device; and

(iii) can use the respiratory protective device safely;

(c) tests the respiratory protective device before each use;

(d) is assessed according to an approved standard as being capable of wearing a respiratory protective device; and

(e) is adequately informed respecting the reasons for the assessment required pursuant to clause (d).

(3) An employer or contractor shall ensure that the training required by clause (2)(a) includes practical experience by the worker in an uncontaminated environment.

(4) If respiratory protective devices are used only for emergency purposes, an employer or contractor shall ensure that a worker who may be required to use a respiratory protective device is given semi-annual refresher training in its safe use.

(5) An employer shall ensure that the following records are kept as long as the worker who was provided with a respiratory protective device is employed by the employer and that the following records are made readily available for inspection and examination by the committee or the representative, as the case may be:

(a) records respecting fit-testing for each worker that is completed pursuant to subclause (1)(a)(iv);

(b) records respecting the results of assessments for each worker that are completed pursuant to clause (2)(d);

(c) records respecting training completed by each worker pursuant to subsections (2) and (3).

(6) An employer shall ensure that any records mentioned in clause (5)(b) respecting a worker that are made available for inspection and examination pursuant to subsection (5) do not disclose any personal health information as defined in *The Health Information Protection Act* respecting the worker, unless the worker agrees to that disclosure.

(7) An employer shall ensure that records respecting the maintenance of atmosphere-supplying respirators are kept and made readily available for inspection and examination by the committee or the representative as long as the worker who was provided with an atmosphere-supplying respirator is employed by the employer.

(8) A worker may, at any time, inspect and examine any records kept pursuant to subsection (5) or (7) that relate to the worker.

31 Dec 2020 cS-15.1 Reg 10 s7-3.

Inspection of respiratory protective devices

7-4 An employer or contractor shall ensure that:

(a) any respiratory protective device for emergency use is thoroughly inspected by a competent person at least once a month and after each use;

(b) the date of every inspection made pursuant to clause (a) and the name of the person who made the inspection are recorded and conspicuously displayed at the location where the respiratory protective device is stored; and

(c) any defects identified during the inspection carried out pursuant to clause (a) are corrected immediately by a competent person.

31 Dec 2020 cS-15.1 Reg 10 s7-4.

Working in dangerous atmospheres

7-5(1) If a worker is required to enter an atmosphere that is immediately dangerous to the life or health of the worker, an employer or contractor shall ensure that the worker is provided with and uses an approved atmosphere-supplying respirator that is:

(a) an open-circuit SCBA that:

(i) operates in a pressure demand or other positive pressure mode;

(ii) has a minimum rated capacity of 30 minutes;

(iii) is sufficiently charged to enable the worker to perform the work safely; and

(iv) is equipped with a low-pressure warning device or an escape respirator;

(b) an airline respirator equipped with a full facepiece that:

(i) operates in a pressure demand or other positive pressure mode; and

(ii) has an auxiliary supply of air sufficient to allow the worker to escape in case of failure of the primary air supply equipment; or

(c) a closed-circuit SCBA.

(2) If a worker is required to enter an atmosphere that is immediately dangerous to life or health, an employer or contractor shall ensure that:

(a) a second worker, suitably equipped and trained, is present and in communication with the worker at all times; and

(b) suitably equipped personnel who are trained in rescue procedures and are fully informed of the hazards are readily available to rescue the endangered worker immediately if the worker's atmosphere-supplying respirator fails or the worker becomes incapacitated for any other reason.

(3) An employer or contractor shall ensure that compressed air in an atmosphere-supplying respirator used by a worker in an atmosphere that is immediately dangerous to the worker's life or health meets the purity requirements set out in Table 2 of the Canadian Standards Association standard CAN Z180.1-M85 *Compressed Breathing Air and Systems*.

31 Dec 2020 cS-15.1 Reg 10 s7-5.

Protective headwear

7-6(1) If there is a risk of injury to the head of a worker, an employer or contractor shall provide approved industrial protective headwear and require a worker to use it.

(2) The following places are deemed to be places where a worker is exposed to a risk described in subsection (1):

(a) a mine, mill or smelter;

(b) a forestry or sawmilling operation;

(c) a construction site;

(d) a drilling operation;

(e) an oil or gas servicing operation.

(3) If a worker may contact an exposed energized electrical conductor, an employer or contractor shall provide, and require the worker to use, approved industrial protective headwear that is of adequate dielectric strength to protect the worker.

(4) If a worker is required by these regulations to use industrial protective headwear, an employer or contractor shall provide to the worker:

(a) a suitable liner if it is necessary to protect the worker from cold conditions; and

(b) a retention system to secure the industrial protective headwear firmly to the worker's head if the worker is likely to work in conditions that may cause the headwear to dislodge.

(5) An employer or contractor shall ensure that any industrial protective headwear provided to a worker pursuant to these regulations is fluorescent orange or other high visibility colour if:

(a) the worker is working in a forestry or sawmilling operation; or

(b) visibility of the worker is necessary to protect the health and safety of the worker.

(6) An employer or contractor shall not require or permit a worker to use any industrial protective headwear that:

(a) is damaged or structurally modified;

(b) has been subjected to severe impact; or

(c) has been painted or has been cleaned with solvents.

31 Dec 2020 cS-15.1 Reg 10 s7-6.

Workers using all terrain vehicles, snowmobiles, etc.

7-7(1) In this section:

"all terrain vehicle" means an all-terrain vehicle as defined in *The All Terrain Vehicles Act*;

"snowmobile" means a snowmobile as defined in *The Snowmobile Act*;

"towed conveyance" means any sled, cutter, trailer, toboggan or carrier that may be towed by a snowmobile or an all terrain vehicle.

(2) An employer or contractor shall ensure that every worker who is required or permitted to travel in or on an all terrain vehicle, a snowmobile or a towed conveyance is provided with and required to use:

(a) approved protective headgear; and

(b) approved eye or face protectors if the all terrain vehicle, snowmobile or towed conveyance does not have an enclosed cab.

(3) Subsection (2) does not apply if:

(a) the all terrain vehicle is equipped with roll-over protective structures and enclosed by a cab that is an integral part of the vehicle; and

(b) the worker is provided with a seat-belt secured to the vehicle and is required to use it.

(4) If a worker is required by these regulations to use protective headgear while working in cold conditions, the headgear must be equipped with a suitable liner and a cold weather face guard.

31 Dec 2020 cS-15.1 Reg 10 s7-7.

Eye and face protectors

7-8(1) If there is a risk of irritation or injury to the face or eyes of a worker from flying objects or particles, splashing liquids, molten metal or ultraviolet, visible or infrared radiation, an employer or contractor shall provide industrial eye or face protectors and require the worker to use them.

(2) If an industrial eye or face protector is required by these regulations to be provided or used, the industrial eye or face protector must be approved.

(3) An employer or contractor shall take all reasonable steps to ensure that a worker does not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using a suitable industrial eye protector or is protected from the radiation by a suitable screen.

(4) A worker shall not perform electric arc welding if another worker may be exposed to radiation from the arc, unless the other worker is using a suitable industrial eye protector or is protected from the radiation by a suitable screen.

31 Dec 2020 cS-15.1 Reg 10 s7-8.

Skin protection

7-9(1) If there is a risk of injury to the skin of a worker from sparks, molten metal or radiation, an employer or contractor shall provide, and require the worker to use, approved protective clothing or covers or any other safeguard that provides equivalent protection for the worker.

(2) If there is a risk of injury to the skin of a worker from fire or explosion, an employer or contractor shall provide the worker with, and require the worker to use, outer fire resistant clothing that:

(a) meets an approved industry standard; and

(b) is appropriate to the risk.

(3) If there is a risk of injury to the skin of an electrical worker from arc flash, an employer or contractor shall provide the electrical worker with, and require the electrical worker to use, arc flash protection that meets an approved standard.

31 Dec 2020 cS-15.1 Reg 10 s7-9.

Lower body protection

7-10(1) If a worker is at risk of a cut, puncture, irritation or abrasion to the worker's lower body, an employer or contractor shall ensure that the worker uses safety pants or chaps that are appropriate for the work being performed by the worker.

(2) A worker operating a chain saw is deemed to be exposed to the risk described in subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s7-10.

Footwear

7-11(1) Subject to subsection (4), an employer or contractor shall ensure that:

(a) a worker uses footwear that is appropriate to the risks associated with the worker's place of employment and occupation; and

(b) a worker who may be at risk from a heavy or falling object or who may tread on a sharp object uses approved protective footwear.

(2) The following places are deemed to be places where a worker is exposed to a risk described in clause (1)(b):

(a) a mine, mill or smelter;

(b) a forestry or sawmilling operation;

(c) a construction site;

(d) a drilling operation;

(e) an oil or gas servicing operation.

(3) An employer or contractor shall:

(a) provide outer foot guards if there is substantial risk of a crushing injury to the foot of a worker; and

(b) provide approved protective footwear if the feet of a worker may be endangered by hot, corrosive or toxic substances.

(4) After consultation with the committee, the representative or, if there is no committee or representative, the workers, an employer or contractor may:

(a) permit the following to use approved soft-soled footwear without puncture-proof plates in the soles:

(i) workers who are competent steel erectors engaged in the connection of structural components of a skeletal structure;

(ii) competent workers who are engaged in the installation of a roof; and

(b) impose any conditions that the employer or contractor considers appropriate on the use of footwear described in clause (a).

31 Dec 2020 cS-15.1 Reg 10 s7-11.

Hand and arm protection

7-12(1) An employer or contractor shall provide, and require a worker to use, suitable and properly fitted hand or arm protection to protect the worker from injury to the hand or arm, including:

(a) injury arising from contact with chemical or biological substances;

(b) injury arising from exposure to work processes that result in extreme temperatures;

(c) injury arising from prolonged exposure to water; and

(d) puncture, abrasion or irritation of the skin.

(2) If a worker may contact an exposed energized high voltage electrical conductor, an employer or contractor shall provide, and require the worker to use, approved rubber insulating gloves and mitts and approved rubber insulating sleeves.

31 Dec 2020 c S-15.1 Reg 10 s7-12.

Exposure to hazardous substances

7-13 If workers are routinely exposed to a hazardous material or substance, an employer or contractor shall provide, and require workers to use, protective clothing, gloves and eyewear or face shields that are adequate to prevent exposure of a worker's skin and mucous membranes to the hazardous material or substance.

31 Dec 2020 c S-15.1 Reg 10 s7-13.

Exposure to noise

7-14(1) If a worker is required or permitted by these regulations to use hearing protectors, an employer or contractor shall:

(a) provide approved hearing protectors; and

(b) require workers to use those hearing protectors if the worker is required to use hearing protectors by these regulations.

(2) If practicable, an employer or contractor shall ensure that a hearing protector provided pursuant to subsection (1) reduces the noise level received into the worker's ears to not more than 85 dBA.

(3) If it is not practicable to comply with subsection (2), an employer or contractor shall ensure that a hearing protector provided pursuant to subsection (1) reduces the noise level received into the worker's ears to the lowest level that is practicable.

(4) If an employer or contractor provides a worker with a hearing protector that depends for effectiveness on a close approximation of size or shape to the auditory canal of its user, the employer or contractor shall ensure that the hearing protector is fitted to the worker by a competent person.

31 Dec 2020 c S-15.1 Reg 10 s7-14.

Lifelines

7-15(1) Unless otherwise specifically provided, an employer, contractor or owner shall ensure that a lifeline:

(a) is suitable for the conditions in which the lifeline is to be used, having regard to factors including strength, abrasion resistance, extensibility and chemical stability;

(b) is made of wire rope or synthetic material;

(c) is free of imperfections, knots and splices, other than end terminations;

(d) is protected by padding where the lifeline passes over sharp edges;

(e) is protected from heat, flame or abrasive or corrosive materials during use;

(f) is fastened to a secure anchor point that:

(i) has a breaking strength of at least 22.2 kilonewtons; and

(ii) is not used to suspend any platform or other load; and

(g) is maintained according to the manufacturer's recommendation.

(2) Unless otherwise specifically provided, an employer, contractor or owner shall ensure that there is a lifeline that meets the requirements of this section for every worker.

(3) Unless otherwise specifically provided, an employer or contractor shall ensure that a vertical lifeline required by these regulations has a minimum diameter of:

(a) 12 millimetres if the lifeline is made of nylon;

(b) 15 millimetres if the lifeline is made of polypropylene; or

(c) 8 millimetres if the lifeline is made of wire rope.

(4) An employer or contractor shall ensure that if a vertical lifeline is used:

(a) the lower end extends to the ground or to a safe landing; and

(b) the lifeline is protected at the lower end to ensure that the line cannot be fouled by any equipment.

(5) Unless otherwise specifically provided, an employer or contractor shall ensure that a horizontal lifeline is:

(a) either:

(i) designed and certified as safe by a professional engineer; or

(ii) manufactured to an approved standard; and

(b) installed and used in accordance with the design mentioned in clause (a) or the manufacturer's recommendations.

31 Dec 2020 cS-15.1 Reg 10 s7-15.

Personal fall arrest systems

7-16(1) An employer or contractor shall ensure that a personal fall arrest system and connecting linkage required by these regulations are approved and maintained.

(2) An employer or contractor shall ensure that a personal fall arrest system required by these regulations:

(a) prevents a worker from falling more than 1.2 metres without a shock absorber;

(b) if a shock absorber is used, prevents a worker from falling more than 2 metres or the limit specified in the manufacturer's specifications, whichever is less;

(c) applies a peak fall-arrest force not greater than 8 kilonewtons to a worker; and

(d) is fastened to a lifeline or to a secure anchor point that has a breaking strength of at least 22.2 kilonewtons.

31 Dec 2020 cS-15.1 Reg 10 s7-16.

Full-body harness

7-17 If a full-body harness is used, an employer or contractor shall ensure that:

(a) the full-body harness and connecting linkage are approved and maintained;

(b) the full-body harness is properly fitted to the worker;

(c) the worker is trained in the safe use of the full-body harness;

(d) all metal parts of the full-body harness and connecting linkage are of drop-forged steel that is 22.2 kilonewtons proof tested;

(e) a protective thimble is used to protect ropes or straps from chafing whenever a rope or strap is connected to an eye or a D-ring used in the full-body harness or connecting linkage; and

(f) the connecting linkage is attached to a personal fall arrest system, lifeline or secure anchor point to prevent the worker from falling more than 1.2 metres.

31 Dec 2020 cS-15.1 Reg 10 s7-17.

Snap hooks on personal fall arrest system

7-18 If a snap hook is used as an integral component of a personal fall arrest system, connecting linkage, full-body harness or lifeline, an employer or contractor shall ensure that the snap hook is self-locking and is approved and maintained.

31 Dec 2020 cS-15.1 Reg 10 s7-18.

Lanyards

7-19 An employer or contractor shall ensure that a lanyard:

(a) is as short as work conditions permit;

(b) is constructed of:

(i) nylon, polyester or polypropylene rope or webbing; or

(ii) wire rope that is equipped with an approved shock absorbing device;

(c) is equipped with suitable snap hooks; and

(d) is approved and maintained.

31 Dec 2020 cS-15.1 Reg 10 s7-19.

Workers' responsibilities re lifelines, etc.

7-20(1) Before using a lifeline or lanyard, a worker shall ensure that the lifeline or lanyard:

(a) is free of imperfections, knots and splices, other than end terminations;

(b) is protected by padding where the lifeline or lanyard passes over sharp edges; and

(c) is protected from heat, flame or abrasive or corrosive materials during use.

(2) Before using a vertical lifeline, a worker shall ensure that:

(a) the lower end extends to the ground or to a safe landing; and

(b) the lifeline is protected at the lower end to ensure that the line cannot be fouled by any equipment.

(3) Before using a full-body harness, a worker shall ensure that the full-body harness:

(a) is properly adjusted to fit the worker securely; and

(b) subject to subsection 18-9(5), is attached by means of a connecting linkage to a fixed anchor or a lifeline.

(4) A worker who uses a full-body harness and connecting linkage shall ensure that the connecting linkage is attached to a personal fall arrest system, lifeline or a fixed anchor.

31 Dec 2020 cS-15.1 Reg 10 s7-20.

Inspection of full body harness, etc.

7-21(1) If the use of a connecting linkage, personal fall arrest system, full-body harness or lifeline is required by these regulations, an employer or contractor shall ensure that a competent person:

(a) inspects the connecting linkage, personal fall arrest system, full-body harness or lifeline:

(i) as recommended by the manufacturer; and

(ii) after the connecting linkage, personal fall arrest system, full-body harness or lifeline has sustained a fall-arresting incident; and

(b) determines whether the connecting linkage, personal fall arrest system, full-body harness or lifeline is safe for continued use.

(2) An employer or contractor shall ensure that a worker inspects the connecting linkage, personal fall arrest system, full-body harness or lifeline before each use and that if a defect or unsafe condition that may create a hazard to a worker is identified in a connecting linkage, personal fall arrest system, full-body harness or lifeline:

(a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(b) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected.

31 Dec 2020 cS-15.1 Reg 10 s7-21.

Protection against drowning

7-22(1) In this section:

"buoyant apparatus" means a device that is capable of supporting the weight in water of a worker and that is constructed to:

(a) remain stable when floating on either side;

(b) have no projections that would prevent the buoyant apparatus from sliding easily over the side of a boat or ship; and

(c) require no adjustment before use;

"life jacket" means an approved device that is capable of keeping a worker's head above water in a face-up position without effort by the worker;

"personal flotation device" means an approved device that is capable of keeping a worker's head above water without effort by the worker, and includes a device that is designed to protect a worker against hypothermia.

(2) If a worker is required to work at a place from which the worker could fall and drown, and the worker is not protected by a guardrail, an employer or contractor shall:

(a) provide the worker with a life jacket and ensure that the worker uses it, and ensure that the rescue equipment and personnel described in subsection (3) are readily available;

(b) provide the worker with a full-body harness and lifeline and ensure that the worker uses them; or

(c) ensure that a net is installed that is capable of safely catching the worker if the worker falls.

(3) The rescue equipment and personnel required by clause (2)(a) must consist of:

(a) a suitable boat equipped with a boat hook;

(b) a buoyant apparatus attached to a nylon rope that is not less than nine millimetres in diameter and not less than 15 metres long; and

(c) a sufficient number of properly equipped and trained workers to implement rescue procedures.

(4) An employer or contractor shall ensure that a life jacket or personal flotation device is provided for each worker who is transported by boat or works from a boat, and that each worker uses the life jacket or personal flotation device at all times when the worker is in the boat.

31 Dec 2020 cS-15.1 Reg 10 s7-22.

PART 8
Noise Control and Hearing Conservation

General duty

8-1(1) An employer, contractor or owner shall ensure that all reasonably practicable means are used to reduce noise levels in all areas where workers may be required or permitted to work.

(2) The means to reduce noise levels pursuant to subsection (1) may include any of the following:

(a) eliminating or modifying the noise source;

(b) substituting quieter equipment or processes;

(c) enclosing the noise source;

(d) installing acoustical barriers or sound-absorbing materials.

31 Dec 2020 cS-15.1 Reg 10 s8-1.

Noise reduction through design, construction of buildings

8-2 An employer, contractor or owner shall ensure that:

(a) all new places of employment are designed and constructed so as to achieve the lowest reasonably practicable noise level;

(b) any alteration, renovation or repair to an existing place of employment is made so as to achieve the lowest reasonably practicable noise level; and

(c) all new equipment to be used at a place of employment is designed and constructed so as to achieve the lowest reasonably practicable noise level.

31 Dec 2020 cS-15.1 Reg 10 s8-2.

Measurement of noise levels

8-3(1) In every area where workers are required or permitted to work and the noise level may frequently exceed 80 dBA, an employer or contractor shall ensure that:

(a) the noise level is measured in accordance with an approved method;

(b) in consultation with the committee, the representative or, if there is no committee or representative, the workers, a competent person evaluates the sources of the noise and recommends corrective action; and

(c) the measurements, evaluation and recommendations are documented.

(2) An employer or contractor shall re-measure the noise level in accordance with subsection (1) if altering, renovating or repairing the place of employment, introducing new equipment to the place of employment or modifying any process at the place of employment may result in a significant change in noise levels or occupational noise exposure.

(3) An employer or contractor shall keep a record of the results of any noise level measurements conducted at the place of employment as long as the employer or contractor operates in Saskatchewan.

(4) On request, an employer or contractor shall make available to an affected worker a copy of the results of any measurements conducted.

(5) An employer or contractor shall ensure that any area in which the measurements taken pursuant to subsection (1) show noise levels in excess of 80 dBA is clearly marked by a sign indicating the range of noise levels.

31 Dec 2020 c S-15.1 Reg 10 s8-3.

Hearing protection required

8-4 If a worker's occupational noise exposure is or is believed to be between 80 dBA L_{ex} and 85 dBA L_{ex}, an employer or contractor shall:

(a) inform the worker of the hazards of occupational noise exposure;

(b) on the request of the worker, make available to the worker hearing protectors that meet the requirements of section 7-14; and

(c) train the worker in the selection, use and maintenance of the hearing protectors.

31 Dec 2020 c S-15.1 Reg 10 s8-4.

Daily exposure greater than 85 dBA L_{ex}

8-5(1) If a worker's occupational noise exposure equals or exceeds 85 dBA L_{ex}, an employer or contractor shall:

(a) inform the worker of the hazards of occupational noise exposure;

(b) take all reasonably practicable steps to reduce noise levels in all areas where the worker may be required or permitted to work;

(c) minimize the worker's occupational noise exposure to the extent that is reasonably practicable; and

(d) document the steps taken pursuant to clauses (b) and (c).

(2) If, in the opinion of the employer or contractor, it is not reasonably practicable to reduce noise levels or minimize the worker's occupational noise exposure to less than 85 dBA L_{ex}, an employer or contractor shall provide written reasons for that opinion to the committee and, if there is no committee, shall inform the workers of the reasons for that opinion.

(3) If it is not reasonably practicable to reduce a worker's occupational noise exposure below 85 dBA L_{ex} or the noise level below 90 dBA in any area where a worker may be required or permitted to work, an employer or contractor shall:

(a) provide a hearing protector to the worker that meets the requirements of section 7-14;

(b) train the worker in the selection, use and maintenance of the hearing protector; and

(c) arrange for the worker to have, at least once every 24 months during the worker's normal working hours, an audiometric test and appropriate counselling based on the test results under the direction of a physician, an audiologist or a registered nurse who has a certificate in audiometric testing.

(4) If a worker cannot attend an audiometric test mentioned in clause (3)(c) during the worker's normal working hours, an employer or contractor shall credit the worker's attendance at the test as time at work and ensure that the worker does not lose any pay or other benefits.

(5) If a worker cannot recover the costs of a audiometric test mentioned in clause (3)(c), an employer or contractor shall reimburse the worker for the costs of the test that, in the opinion of the director, are reasonable.

31 Dec 2020 c S-15.1 Reg 10 s8-5.

Hearing conservation plan

8-6(1) If 10 or more workers' occupational noise exposure exceeds or is believed to exceed 85 dBA L_{ex}, an employer or contractor shall, in consultation with the committee:

(a) develop a hearing conservation plan; and

(b) review and, if necessary, revise the hearing conservation plan every 3 years.

(2) An employer or contractor shall implement a hearing conservation plan developed pursuant to subsection (1) and appoint a supervisor to oversee the plan.

(3) A hearing conservation plan must be in writing and must include:

(a) the methods and procedures to be used in assessing the occupational noise exposure of workers;

(b) the methods of noise control to be used, including engineering controls and administrative arrangements;

(c) the selection, use and maintenance of hearing protectors;

(d) a plan to train workers in the hazards of excessive exposure to noise and the correct use of control measures and hearing protectors;

(e) the maintenance of exposure records;

(f) the requirements for audiometric tests; and

(g) a schedule for reviewing the hearing conservation plan and procedures for conducting the review.

(4) An employer or contractor shall make a copy of a hearing conservation plan readily available for reference by workers.

31 Dec 2020 cS-15.1 Reg 10 s8-6.

PART 9
Safeguards, Storage, Warning Signs and Signals

Definition for Part

9-1 In this Part, **"toeboard"** means a low vertical guard that is located at the outer edge of a platform, scaffold, floor, stair or walkway and that is designed to prevent materials or equipment from falling over the edge.

31 Dec 2020 cS-15.1 Reg 10 s9-1.

Protection against falling

9-2(1) In this section and sections 9-3 to 9-5:

"anchor point" or **"anchor plate"** means a secure connecting point capable of safely withstanding the impact forces applied by a fall protection system;

"control zone" means the area within 2 metres of an unguarded edge of a level, elevated work surface of 3 metres or more in height;

"fall protection system" means:

(a) a control zone as required pursuant to section 9-4;

(b) a personal fall arrest system;

(c) a safety net; or

(d) a travel restraint system;

"permanent" means intended and designed to last indefinitely;

"similar barrier" means any barrier that the employer or contractor can demonstrate provides a level of protection that is at least equivalent to a guardrail;

"temporary" means:

(a) designed to be removed by the last workers using it before commissioning or turnover to the contractor or owner; and

(b) intended and designed to last not more than 1 year;

"travel restraint system" means a system that prevents a worker from travelling to the edge of a structure or to a work position from which the worker could fall.

(2) An employer or contractor shall ensure that workers use a fall protection system at a temporary or permanent work area if:

(a) a worker may fall 3 metres or more; or

(b) there is a possibility of injury if a worker falls less than 3 metres.

(3) An employer or contractor shall ensure that a worker at a permanent work area is protected from falling by a guardrail or similar barrier if the worker may fall a vertical distance of more than 1.2 metres and less than 3 metres.

(4) Notwithstanding subsection (3), if the use of a guardrail or similar barrier is not reasonably practicable, an employer or contractor shall ensure that a worker uses a travel restraint system.

(5) Notwithstanding subsection (4), if the use of a travel restraint system is not reasonably practicable, an employer or contractor shall ensure that a safety net or control zone or other equally effective means that protects the worker from falling is used.

(6) Subsection (2) does not apply to competent workers who are engaged in:

(a) connecting the structural members of a skeletal steel structure or a pre-cast structure;

(b) connecting the support structure of a scaffold;

(c) stabilizing or securing the load on a truck or trailer;

(d) installing or attaching a fall protection system to the anchor point;

(e) removing or disassembling the associated parts of a fall protection system when it is no longer required; or

(f) activities within the normal course of business on a permanent loading dock that is not greater than 1.2 metres in height.

31 Dec 2020 cS-15.1 Reg 10 s9-2.

Fall protection plan

9-3(1) An employer or contractor shall develop a written fall protection plan if:

(a) a worker may fall 3 metres or more; and

(b) workers are not protected by a guardrail or similar barrier.

(2) The fall protection plan required by subsection (1) must describe:

(a) the fall hazards at the worksite;

(b) the fall protection system to be used at the worksite;

(c) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system; and

(d) the rescue procedures to be used if a worker falls, is suspended by a personal fall arrest system or safety net and needs to be rescued.

(3) The employer or contractor shall ensure that a copy of the fall protection plan is readily available before work begins at a worksite if a risk of falling exists.

(4) The employer or contractor shall ensure that a worker is trained in the fall protection plan and the safe use of the fall protection system before allowing the worker to work in an area where a fall protection system must be used.

31 Dec 2020 cS-15.1 Reg 10 s9-3.

Control zone

9-4(1) An employer or contractor shall ensure that a control zone:

(a) is only used if a worker can fall from a level surface in a work area; and

(b) is not less than 2 metres wide when measured from the unguarded edge.

(2) When crossing a control zone mentioned in subsection (1), a worker:

(a) subject to subsection (4), is not required to use a fall protection system, other than the control zone, to enter or leave the work area; and

(b) shall follow the most direct route to get to or from the unguarded edge.

(3) An employer or contractor shall ensure that a control zone is clearly marked with an effective raised warning line or other equally effective method if a worker is working more than 2 metres from an unguarded edge.

(4) An employer or contractor shall ensure that a worker who has to work within a control zone uses:

(a) a travel restraint system; or

(b) a means that is as equally effective as a travel restraint system and that prevents the worker from getting to the unguarded edge.

31 Dec 2020 cS-15.1 Reg 10 s9-4.

Anchor Points and Anchor Plates

9-5(1) If a worker uses a personal fall arrest system or a travel restraint system, an employer, contractor or owner shall ensure that an anchor point or anchor plate that meets the requirements of this section is used as part of that system.

(2) An employer, contractor or owner shall ensure that a temporary anchor point used in a travel restraint system:

(a) has an ultimate load capacity of at least 3.5 kilonewtons (800 pounds-force) per worker attached in any direction in which the load may be applied;

(b) is installed and used according to the manufacturer's specifications;

(c) is permanently marked as being for travel restraint only; and

(d) is removed by the last worker from use on the earlier of:

(i) the date the work project for which it is intended is completed; and

(ii) the time specified by the manufacturer.

(3) An employer, contractor or owner shall ensure that a permanent anchor point used in a travel restraint system associated with any new construction project on or after the date this section comes into force:

(a) has an ultimate load capacity of at least 8.75 kilonewtons (2 000 pounds-force) per worker attached in any direction in which the load may be applied;

(b) is installed and used according to the manufacturer's specifications; and

(c) is permanently marked as being for travel restraint only.

(4) In the case of a personal fall arrest system, an employer, contractor, owner or supplier shall ensure that anchor points to which the personal fall arrest system is attached have an ultimate load capacity of at least 22.2 kilonewtons (5 000 pounds-force) per worker attached in any direction in which the load may be applied.

(5) An employer, contractor, owner or supplier shall ensure that the following types of equipment that are components of fall protection systems, and their installation, conform to the manufacturer's specifications or are certified by a professional engineer:

(a) permanent anchor points;

(b) anchors with multiple attachment points;

(c) permanent horizontal lifeline systems;

(d) support structures for safety nets.

31 Dec 2020 cS-15.1 Reg 10 s9-5.

Elevated conveyors

9-6 If an elevated conveyor crosses over a place where a worker may pass or work, an employer, contractor or owner shall ensure that suitable precautions are taken to prevent materials on the conveyor from falling on the worker.

31 Dec 2020 cS-15.1 Reg 10 s9-6.

Wire mesh

9-7 If wire mesh is required by these regulations, the wire mesh must:

(a) be made from wire that is at least 1.6 millimetres in diameter; and

(b) have a mesh size that is not greater than 40 millimetres by 40 millimetres.

31 Dec 2020 cS-15.1 Reg 10 s9-7.

Protection against falling objects

9-8(1) Subject to section 9-9, if a worker is required to work in an area where the worker may be in danger from a falling object, an employer, contractor or owner shall ensure that the worker is adequately protected by the installation of an overhead barrier.

(2) An employer, contractor or owner shall ensure that every area where a worker could be struck by a falling object is clearly marked by barriers, notices, warning lights or other warning devices.

31 Dec 2020 cS-15.1 Reg 10 s9-8.

Protection from objects falling from scaffolds, etc.

9-9(1) If a suspended scaffold, suspended powered scaffold or load-carrying unit is suspended from or attached to a structure, an employer, contractor or owner shall ensure that wire mesh, or other material equally effective to prevent objects from falling from the working surface, is installed from the working surface to a height of at least 900 millimetres on all sides except the side adjacent to the structure.

(2) An employer, contractor or owner shall ensure that wire mesh is installed from the working surface of a platform to a height of 2 metres on all sides of:

(a) a tower hoist as defined in section 13-1;

(b) a building shaft hoist; and

(c) a hoist cage in an excavated shaft.

(3) If it is necessary to hoist or lower materials that are of such a nature that the sides of a cantilever hoist platform or skip cannot be equipped as required by subsection (1), an employer, contractor or owner shall provide another equally effective means for the protection of workers against falling materials.

(4) If it is necessary for workers to pass through a safeguard required by this section, an employer, contractor or owner shall install a gate that is equally effective to prevent objects from falling from the working surface and shall ensure that the gate is kept closed except when the gate is in use.

31 Dec 2020 cS-15.1 Reg 10 s9-9.

Handrails

9-10(1) An employer, contractor or owner shall ensure that a stairway with 5 or more treads:

(a) is equipped with a handrail that:

(i) extends the entire length of the stairway;

(ii) is adequately secured to the structure;

(iii) is installed on the stairway at a height of between 800 and 920 millimetres above the front edge of the treads; and

(iv) is strong enough to support a worker who falls on the stairway; and

(b) on an open side, is equipped with both a handrail and an intermediate rail or equivalent safeguard.

(2) If a handrail is required for a temporary stairway to which subsection (1) applies, an employer, contractor or owner shall ensure that the handrail is constructed of at least 38 by 89 millimetre construction grade lumber, or material of equivalent strength, and is supported by posts that are not more than 3 metres apart.

31 Dec 2020 cS-15.1 Reg 10 s9-10.

Guardrails

9-11(1) Subject to subsections (2) to (4), if the installation of a guardrail is required by these regulations, an employer, contractor or owner shall ensure that the guardrail:

(a) has a horizontal top member that is not less than 920 millimetres and not more than 1070 millimetres above the working surface;

(b) has a horizontal intermediate member that is spaced midway between the horizontal top member and the working surface;

(c) is supported for the entire length of the guardrail by vertical members that are:

(i) not more than 3 metres apart, in the case of a guardrail installed before the coming into force of this section; and

(ii) if reasonably practicable, not more than 2.4 metres apart, in the case of a guardrail installed on or after the coming into force of this section;

(d) is capable of supporting a worker who may fall against the guardrail; and

(e) is constructed of 38 by 89 millimetre construction grade lumber or other materials that are of equal or greater strength.

(2) Clause (1)(a) does not apply to a guardrail that:

(a) was installed on or before October 30, 1988; and

(b) is not less than 900 millimetres nor more than 1 metre above the working surface.

(3) A horizontal intermediate member is not required in the case of a temporary guardrail that is manufactured with a substantial barrier completely filling the area enclosed by the horizontal top member, a horizontal bottom member and the vertical members.

(4) A wire rope guardrail may be used at the external perimeter of a building under construction.

(5) If a wire rope guardrail is used pursuant to subsection (4), an employer, contractor or owner shall ensure that:

(a) the guardrail consists of a horizontal top member and a horizontal intermediate member made of wire rope that is not less than 9.5 millimetres in diameter, with vertical separators not less than 50 millimetres wide that are spaced at intervals not exceeding 2.4 metres;

(b) the horizontal top member and horizontal intermediate member are positioned above the working surface in accordance with clauses (1)(a) and (b);

(c) the guardrail is kept taut by means of a turnbuckle or other appropriate device; and

(d) the guardrail is arranged so that a worker coming into contact with the ropes cannot fall through the ropes.

(6) An employer, contractor or owner shall ensure that no worker hangs equipment on a guardrail.

Toeboards

9-12(1) An employer, contractor or owner shall provide toeboards at the edge of:

(a) a permanent floor, platform, mezzanine, walkway, ramp, runway or other surface from which it is possible for materials to fall more than 1.2 metres;

(b) a temporary scaffold or work platform from which it is possible for materials to fall more than 3 metres; and

(c) a pit for a flywheel or pulley.

(2) Subsection (1) does not apply to a loading or unloading area if the employer, contractor or owner has taken other precautions to ensure that materials will not fall from the floor or other horizontal surface.

(3) If a toeboard is required by these regulations, an employer, contractor or owner shall ensure that the toeboard extends from the floor or other horizontal surface to a height of not less than:

(a) 125 millimetres from the floor or surface; or

(b) 100 millimetres from the floor or surface, in the case of a toeboard that was installed before March 13, 1986.

31 Dec 2020 c S-15.1 Reg 10 s9-12.

Openings in floors, roofs, etc.

9-13(1) An employer, contractor or owner shall ensure that any opening or hole in a floor, roof or other work surface into which a worker could step or fall is:

(a) covered with a securely installed covering that is capable of supporting a load of 360 kilograms per square metre and that is provided with a warning sign or permanent marking clearly indicating the nature of the hazard; or

(b) provided with a guardrail and a toeboard.

(2) If the covering or guardrail and toeboard mentioned in subsection (1) or any part of the guardrail or toeboard is removed for any reason, an employer, contractor or owner shall immediately provide an effective alternative means of protection.

31 Dec 2020 c S-15.1 Reg 10 s9-13.

Building shafts

9-14(1) An employer, contractor or owner shall ensure that a work platform that is an integral part of a slip form used in a building shaft is designed by a professional engineer to withstand the maximum foreseeable load and is constructed, erected and used in accordance with that design.

(2) An employer, contractor or owner shall ensure that a platform mentioned in subsection (1) that has been moved is examined by a competent person and that a written report of the examination is made by the person who carried it out and kept by the employer, contractor or owner.

(3) An employer, contractor or owner shall not require or permit a worker to work on a platform mentioned in subsection (1) that has been moved before the platform has been examined in accordance with subsection (2), unless the worker is using a personal fall arrest system, a full-body harness, a lanyard or a lifeline that meets the requirements of Part 7.

(4) If there is no work platform installed at the level of a doorway or opening in a building shaft, an employer, contractor or owner shall ensure that the doorway or opening is covered by a solid barrier that extends from the bottom of the doorway or opening to a height of at least 2 metres and is capable of preventing a worker or loose material from falling down the shaft.

(5) An employer, contractor or owner shall ensure that at least 1 warning sign indicating the presence of an open building shaft is placed on a barrier erected pursuant to subsection (4).

31 Dec 2020 c S-15.1 Reg 10 s9-14.

Safety nets

9-15 If a safety net is required by these regulations, an employer, contractor or owner shall ensure that the safety net:

(a) is manufactured from rope that is at least:

(i) 8 millimetres in diameter; and

(ii) equivalent in breaking strength to number 1 grade pure manilla rope 9 millimetres in diameter;

(b) has a mesh size that is not greater than 150 by 150 millimetres;

(c) has safety hooks or shackles of drop-forged steel that is 22.2 kilonewtons proof tested;

(d) has joints between the net panels that are equal in strength to the net;

(e) extends at least 2 metres beyond, and is not more than 6 metres below, the work area; and

(f) is installed and maintained so that, at the maximum deflection of the net when arresting the fall of a worker, no portion of the net contacts another surface.

31 Dec 2020 c S-15.1 Reg 10 s9-15.

Storage tanks

9-16(1) If a worker is regularly required to walk or work on top of a storage tank, an employer, contractor or owner shall ensure that the storage tank is fitted with a permanent walkway with guardrails.

(2) If a worker is required to walk or work on top of a storage tank, an employer, contractor or owner shall ensure that any opening in the tank into which a worker may fall is guarded by a grid or other suitable means to prevent the worker from falling into the tank.

31 Dec 2020 c S-15.1 Reg 10 s9-16.

Mounting of tires

9-17(1) If a worker is required to mount a tire and the maximum inflation pressure is not clearly indicated on the tire wall, an employer shall provide the worker with written instructions specifying the maximum inflation pressures for the various sizes and types of tires normally encountered and ensure that the worker follows those instructions.

(2) An employer shall ensure that a tire and the rim assembly on which the tire is to be mounted are designed and constructed to be compatible with each other.

(3) If a worker is required to mount a tire on a split-rim assembly or a locking ring assembly, an employer shall:

(a) provide the worker with:

(i) a clamp-on type air hose, an in-line pressure gauge and a positive pressure control; and

(ii) a suitable cage or other restraining device to contain flying parts in the event of a split-rim assembly or locking ring assembly failure or tire rupture; and

(b) ensure that the worker inflates the tire from a safe position out of the immediate danger area.

(4) A worker who is mounting a tire:

(a) before commencing, shall place the tire that is to be mounted on a split rim assembly or locking ring assembly in a cage or restraining device;

(b) shall not inflate the tire in excess of the maximum pressure indicated on the tire wall or listed for the size and type of tire in the written instructions provided pursuant to subsection (1);

(c) shall use a clamp-on type air hose, an in-line pressure gauge and positive pressure control; and

(d) shall inflate the tire from a safe position out of the immediate danger area.

31 Dec 2020 cS-15.1 Reg 10 s9-17.

Storage of materials

9-18 An employer, contractor or owner shall ensure that:

(a) no material or equipment is placed, stacked or stored so as to constitute a hazard to workers; and

(b) stacked materials or containers are stabilized, if necessary, by interlocking, strapping or other effective means of restraint.

31 Dec 2020 cS-15.1 Reg 10 s9-1.

Pallets and storage racks

9-19 An employer, contractor, owner or supplier shall ensure that:

(a) pallets are maintained in a manner that will permit safe lifting of the pallets and the pallets' loads by a forklift truck or other device; and

(b) racks for the storage of material or equipment are:

(i) designed, constructed and maintained to support any load placed on the racks; and

(ii) erected on a firm foundation.

31 Dec 2020 cS-15.1 Reg 10 s9-18.

Pressurized hoses

9-20 An employer, contractor or owner shall ensure that an effective restraining device is used on a hose, pipe or connection that is under pressure if inadvertent disconnection of the hose, pipe or connection could result in danger to workers.

31 Dec 2020 cS-15.1 Reg 10 s9-20.

Designated signallers

9-21(1) If the giving of signals by a designated signaller is required by these regulations, an employer or contractor shall:

(a) designate a worker to be the designated signaller;

(b) ensure that the designated signaller is sufficiently trained to carry out the signaller's duties in a manner that will ensure the signaller's safety and the safety of other workers; and

(c) keep a record of the training required by clause (b) and give a copy of the record to the designated signaller.

(2) An employer or contractor shall:

(a) provide each designated signaller with, and require the signaller to use, a high visibility vest, armlets or other high visibility clothing, whether the signaller is on a public highway or is at any other place of employment; and

(b) provide each designated signaller with a suitable light to signal with during hours of darkness and in conditions of poor visibility.

(3) An employer or contractor shall:

(a) install suitably placed signs to warn traffic of the presence of a designated signaller before the signaller begins work; and

(b) if reasonably practicable, install suitable overhead lights to illuminate a designated signaller effectively.

(4) A designated signaller shall ensure that it is safe to proceed with a movement before signalling for that movement to proceed.

(5) If the giving of signals by a designated signaller is required by these regulations, an employer or contractor shall ensure that:

(a) no worker other than the designated signaller gives signals to an operator except in an emergency; and

(b) only 1 designated signaller gives signals to an operator at a time.

(6) If hand signals cannot be transmitted properly between a designated signaller and an operator, an employer or contractor shall ensure that additional designated signallers are available to effect proper transmission of signals or that some other means of communication is provided.

(7) If 2 or more designated signallers are used, an employer or contractor shall ensure that the designated signallers are able to communicate effectively with each other.

31 Dec 2020 cS-15.1 Reg 10 s9-21.

Risk from vehicular traffic

9-22(1) An employer or contractor shall ensure that a worker who is at risk from vehicular traffic, whether on a public highway or at any other place of employment, is provided with and required to use a high visibility vest, armlets or other high visibility clothing.

(2) If there is a danger to a worker from vehicular traffic on a public highway, an employer or contractor shall develop and implement a traffic control plan, in writing, to protect the worker from traffic hazards by the use of 1 or more of the following:

(a) warning signs;

(b) barriers;

(c) lane control devices;

(d) flashing lights;

(e) flares;

(f) conspicuously identified pilot vehicles;

(g) automatic or remote-controlled traffic control systems;

(h) designated signallers directing traffic.

(3) An employer or contractor shall ensure that:

(a) workers are trained in the traffic control plan developed pursuant to subsection (2); and

(b) the traffic control plan developed pursuant to subsection (2) is made readily available for reference by workers at the place of employment.

(4) An employer or contractor shall use designated signallers to control traffic on a public highway only if other methods of traffic control are not adequate or suitable.

(5) If designated signallers are used to control traffic on a public highway, an employer or contractor shall provide:

(a) at least 1 designated signaller if:

(i) traffic approaches from 1 direction only; or

(ii) traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would be clearly visible to one another; and

(b) at least 2 designated signallers if traffic approaches from both directions and the designated signaller and the operator of an approaching vehicle would not be clearly visible to one another.

(6) If there is or may be a hazard to a worker from traffic at a place of employment other than a public highway, an employer or contractor shall develop and implement a traffic control plan to protect the worker from traffic hazards.

(7) A traffic control plan required by subsection (6) must:

(a) be in writing;

(b) be made readily available for reference by workers at the place of employment; and

(c) set out, if appropriate:

(i) the maximum allowable speed of any vehicle or class of vehicles, including powered mobile equipment, in use at the place of employment;

(ii) the maximum operating grades;

(iii) the location and type of control signs;

(iv) the route to be taken by vehicles or powered mobile equipment;

(v) the priority to be established for classes of vehicle;

(vi) the location and type of barriers or restricted areas; and

(vii) the duties of workers and the employer or contractor.

(8) A worker who operates a vehicle or unit of powered mobile equipment at a place of employment and who does not have a clear view of the path to be travelled shall not proceed until a person who has a clear view of the path to be travelled by the vehicle or unit of powered mobile equipment signals to the worker that it is safe to proceed.

(9) If a provision of this section conflicts with a provision of *The Highways and Transportation Act, 1997*, *The Traffic Safety Act*, a regulation made pursuant to any of those Acts or a bylaw of a municipality made pursuant to *The Cities Act, The Municipalities Act* or *The Northern Municipalities Act, 2010*, the provision of the other statute, regulation or bylaw prevails.

(10) Nothing in this section applies to a peace officer in the performance of the peace officer's duties.

31 Dec 2020 cS-15.1 Reg 10 s9-22.

PART 10
Machine Safety

Operation by workers

10-1(1) An employer or contractor shall ensure that:

(a) machines are operated only by a competent worker; and

(b) workers are informed of any risk associated with, and trained in the safe use of, the machines.

(2) Before starting a machine, an operator shall ensure that neither the operator nor any other worker will be endangered by starting the machine.

(3) If a worker or a worker's clothing may contact a moving part of a machine, an employer or contractor shall ensure that the worker:

(a) wears close-fitting clothing;

(b) confines or cuts short any head and facial hair; and

(c) does not wear dangling neckwear or jewellery, rings or other similar items.

31 Dec 2020 cS-15.1 Reg 10 s10-1.

Operating controls

10-2(1) If reasonably practicable, an employer, contractor or supplier shall ensure that operating controls on machines:

(a) are located within easy reach of the operator; and

(b) cannot be activated by accidental contact.

(2) If reasonably practicable, an employer, contractor or supplier shall ensure that stopping devices on machines are:

(a) located in the direct view and within easy reach of the operator; and

(b) readily identifiable.

(3) If a worker is required to feed material into a material-forming press, punch, shear or similar machine, an employer, contractor or supplier shall:

(a) if practicable, install a positive means to prevent the activation of the machine while any part of the worker's body could be injured by moving parts of the machine; or

(b) if it is not practicable to comply with clause (a), install safeguards to prevent the worker from contacting a moving part of the machine.

31 Dec 2020 cS-15.1 Reg 10 s10-2.

Unattended and suspended machines

10-3(1) An employer or contractor shall not require or permit a worker to leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been:

(a) immobilized and secured against accidental movement; or

(b) enclosed by a safeguard to prevent access by any other worker to the machine or part.

(2) A worker shall not leave unattended or in a suspended position any machine or any part of a machine unless the machine or part has been:

(a) immobilized and secured against accidental movement; or

(b) enclosed by a safeguard to prevent access by any other worker to the machine or part.

31 Dec 2020 cS-15.1 Reg 10 s10-3.

Safeguards

10-4(1) Except where otherwise provided by these regulations, an employer or contractor shall provide an effective safeguard when a worker may contact:

(a) a dangerous moving part of a machine;

(b) a pinch point, cutting edge or point of a machine at which material is cut, shaped, bored or formed;

(c) an open flame;

(d) a steam pipe or other surface with a temperature that exceeds or may exceed 80 Celsius; or

(e) a cooled surface that is or may be less than minus 80° Celsius.

(2) An employer or contractor shall ensure that a safeguard required by subsection (1) remains in place at all times.

(3) Subsection (1) does not apply to:

(a) a machine that is equipped with an effective safety device that stops the machine automatically before any part of a worker's body comes into contact with a hazard mentioned in clause (1)(a) or (b); or

(b) a belt, rope or chain that is operated from a cathead or capstan.

(4) An employer or contractor shall ensure that a safeguard that is removed from a machine or made ineffective to permit maintenance, testing, repair or adjustment of a machine is replaced or made effective before a worker is required or permitted to use the machine.

(5) If there is a possibility of machine failure and of injury to a worker resulting from the failure, an employer or contractor shall install safeguards that are strong enough to withstand the impact of debris from the machine failure and to contain any debris resulting from the failure.

31 Dec 2020 cS-15.1 Reg 10 s10-4.

Warning systems

10-5(1) If the circumstances described in subsection (2) exist, an employer or contractor shall install:

(a) an audible alarm system that provides a warning of sufficient volume and for a sufficient period before start-up of the machine to give workers timely notice of the imminent start-up; or

(b) a distinctive and conspicuous visual warning system to alert workers of the imminent start-up of the machine.

(2) Subsection (1) applies if:

(a) a worker may be endangered by moving machine parts when a machine is started; and

(b) the operator of the machine does not have a clear view from the operating position of all parts of the machine and of the surrounding area in which there is a potential danger.

(3) An employer or contractor shall place adequate, appropriate and clearly visible warning signs at each point of access to a machine that starts automatically.

31 Dec 2020 cS-15.1 Reg 10 s10-5.

Locking out

10-6(1) Subject to section 10-7, before a worker undertakes the maintenance, repair, test or adjustment of a machine other than a power tool, an employer or contractor shall ensure that the machine is locked out and remains locked out during that activity if not doing so would put the worker at risk.

(2) Before a worker undertakes the maintenance, repair, test or adjustment of a power tool, an employer or contractor shall ensure that the energy source has been isolated from the power tool, any residual energy in the power tool has been dissipated and the energy source remains isolated during that activity.

(3) An employer or contractor shall:

(a) provide a written lock-out process to each worker who is required to work on a machine to which subsection (1) applies; and

(b) if the lockout process uses a lock and key, issue to that worker a lock that is operable only by that worker's key and a duplicate key.

(4) If the lockout process does not use a lock and key, an employer or contractor shall designate a person to coordinate and control the lockout process.

(5) If the lockout process uses a lock and key, an employer or contractor shall designate a person to keep the duplicate key mentioned in clause (3)(b) and ensure that:

(a) the duplicate key is accessible only to the designated person; and

(b) a log book is kept to record the use of the duplicate key and the reasons for that use.

(6) If it is not practicable to use a worker's key to remove a lock, an employer or contractor may permit the person designated pursuant to subsection (5) to remove the lock if the designated person:

(a) has determined the reason that the worker's key is not available;

(b) has determined that it is safe to remove the lock and activate the machine; and

(c) if a committee or representative is in place, has informed the co-chairpersons or the representative of the proposed use of the duplicate key before it is used.

(7) An employer or contractor shall ensure that a designated person who is permitted to use a duplicate key pursuant to subsection (6):

(a) records in the log book the use of the duplicate key, the reason for its use and the date of its use; and

(b) signs the log book each time that the duplicate key is used.

(8) If a central automated system controls more than 1 machine, an employer or contractor shall ensure that the machine to be maintained, repaired, tested or adjusted is isolated from the central system before the lock-out procedures required by subsection (3) are implemented.

(9) Before undertaking any maintenance, repairs, tests or adjustments to a machine to which subsection (1) applies, a worker shall lock out the machine following the process mentioned in clause (3)(a).

(10) After a lock-out device has been installed or a lockout process has been initiated, the worker who installed the first lock or initiated the process shall check the machine to ensure that the machine is inoperative.

(11) No person shall deactivate a lockout process that does not use a lock and key except the person designated pursuant to subsection (4).

(12) No person shall remove a lock-out device except the worker who installed the lock-out device or the designated person acting in accordance with subsection (6).

31 Dec 2020 cS-15.1 Reg 10 s10-6.

Cleaning, etc., of machine or other equipment in motion

10-7(1) This section applies if any of the following requires cleaning, lubrication or adjustment while all or any part of a machine or other piece of equipment is in motion or under power:

(a) the machine or other piece of equipment;

(b) a part of the machine or of the piece of other equipment; or

(c) any material on the machine or on the piece of equipment.

(2) In the circumstances mentioned in subsection (1), an employer or contractor shall:

(a) develop and implement written work practices and procedures that ensure that the cleaning, lubrication or adjustment is carried out in a safe manner;

(b) ensure that workers who are required to perform the cleaning, lubrication or adjustment are trained in the written work practices and procedures mentioned in clause (a); and

(c) ensure that a copy of the written work practices and procedures mentioned in clause (a) is readily available for reference by workers.

31 Dec 2020 cS-15.1 Reg 10 s10-7.

Belts

10-8(1) An employer or contractor shall ensure that a permanent belt shifter is:

(a) provided for all loose pulleys on any machine; and

(b) constructed so that the belt cannot creep back on to the tight pulley.

(2) An employer or contractor shall ensure that a worker does not shift a belt on a machine by hand while the belt is in motion.

31 Dec 2020 cS-15.1 Reg 10 s10-8.

Air-actuated fastening tools

10-9 An employer or contractor shall ensure that a worker does not hold the trigger of an air-actuated fastening tool mechanically in the operating position unless the tool is specifically designed to be used in that manner.

31 Dec 2020 cS-15.1 Reg 10 s10-9.

Explosive-actuated fastening tools

10-10(1) In this section, **"explosive-actuated fastening tool"** means a machine that propels or discharges, by means of an explosive force, a fastening device to attach the fastening device on, affix the fastening device to or cause the fastening device to penetrate another object or material.

(2) An employer or contractor shall ensure that a worker who operates explosive-actuated fastening tool systems is trained in and uses safe work procedures for any explosive-actuated fastening tool that the worker may operate, including:

(a) the selection of the appropriate tool, accessories, fastener and power load for each application;

(b) the limitations of each type of tool, fastener and power load; and

(c) the maintenance, inspection and use of the tool.

(3) An employer or contractor shall ensure that a worker who operates an explosive actuated fastening tool:

(a) does not leave the tool or explosive charges unattended;

(b) stores the tool and explosive charges in a locked container when not in use; and

(c) uses an industrial eye or face protector that meets the requirements of Part 7.

31 Dec 2020 c S-15.1 Reg 10 s10-10.

Airless spray units

10-11 If a worker is required or permitted to use an airless spray unit that is capable of operating at a pressure greater than 7 megapascals, an employer or contractor shall ensure that:

(a) the gun, the reservoir and the pump are bonded to ground with a single continuous approved bonding conductor; and

(b) the gun is fitted with suitable tip and trigger guards.

31 Dec 2020 c S-15.1 Reg 10 s10-11.

Grinding machines

10-12(1) An employer or contractor shall ensure that:

(a) no abrasive wheel is operated:

(i) unless it is equipped with blotters installed according to the manufacturer's recommendations and a safeguard; or

(ii) at a speed in excess of the manufacturer's recommendations;

(b) the maximum speed of each grinder shaft in revolutions per minute is permanently marked on the grinder; and

(c) the mounting flanges for an abrasive wheel have an equal and correct diameter for the wheel.

(2) If a tool rest is installed on a fixed grinder, an employer or contractor shall ensure that the tool rest is:

(a) installed in a manner that is compatible with the work process;

(b) securely attached to the grinder; and

(c) set not more than 3 millimetres from the face of the wheel or below the horizontal centre line of the wheel.

(3) An employer or contractor shall not require or permit a worker to use the sides of an abrasive wheel for grinding unless the abrasive wheel is designed for that use.

(4) An employer or contractor shall ensure that a worker who operates a grinder:

(a) is provided with and uses the following personal protective equipment that meets the requirements of Part 7:

(i) an industrial eye or face protector;

(ii) hand or arm protection; and

(b) is instructed in the potential hazards and safe use of the grinder.

31 Dec 2020 cS-15.1 Reg 10 s10-12.

Chain saws

10-13(1) An employer, contractor or supplier shall ensure that a chain saw is:

(a) equipped with an effective chain brake or a chain and bar that is designed to minimize the possibility of a kickback; and

(b) designed and constructed so that the chain stops when the engine is at idle.

(2) If a chain saw is to be used by a worker operating from an elevated cage or basket, the width of which is less than twice the length of the chain saw, an employer or contractor shall ensure that a secondary platform is installed outside the cage or basket and is used to store the chain saw and to start the chain saw engine.

(3) An employer or contractor shall ensure that a worker who operates a chain saw:

(a) stops the chain while the worker is walking with the saw;

(b) does not operate the saw at a height that is higher than the worker's shoulder level;

(c) holds the saw firmly in both hands while operating the saw; and

(d) maintains the chain saw, cutting chain and safeguards in safe operating condition.

(4) A worker who operates a chain saw:

(a) shall stop the chain while the worker is walking with the saw;

(b) shall not operate the saw at a height that is higher than the worker's shoulder level;

(c) shall hold the saw firmly in both hands while operating the saw;

(d) shall maintain the chain saw, cutting chain and safeguards in safe operating condition; and

(e) shall maintain the chain saw so that the chain stops when the engine is at idle.

31 Dec 2020 cS-15.1 Reg 10 s10-13.

Circular saws

10-14(1) Subject to subsection (2), if a circular saw blade develops a crack in the outside diameter of the saw blade, an employer or contractor shall ensure that the blade is discarded unless:

(a) the blade is effectively repaired by a competent person; and

(b) the original blade tension is restored.

(2) An employer or contractor shall ensure that a circular saw blade that develops a crack from the eye or the collar is discarded.

(3) An employer, contractor or supplier shall ensure that a portable manually-operated circular saw is equipped with a safeguard that will automatically cover the exposed part of the blade during use and the entire blade when the saw is not in use.

31 Dec 2020 cS-15.1 Reg 10 s10-14.

Power-fed circular saws

10-15(1) An employer, contractor or supplier shall ensure that a power-fed circular rip saw with horizontal, power-driven feed rolls is equipped with a sectional non-kickback device located in front of the saw blade and across the full width of the rolls.

(2) An employer, contractor or supplier shall ensure that a power-fed circular rip saw:

(a) is equipped with a splitter that extends to the height of the top of the saw blade; and

(b) has a saw blade that is equipped with a safeguard or located so that a worker cannot reach it.

31 Dec 2020 cS-15.1 Reg 10 s10-15.

Band-saws

10-16(1) If a band-saw blade develops a crack the depth of which is more than 5% of the width of the saw blade, an employer or contractor shall ensure that the blade is discarded unless:

(a) the width of the blade is reduced so as to eliminate the crack; or

(b) the cracked section is repaired by a competent person.

(2) An employer, contractor or supplier shall ensure that a band-saw has an automatic tension control device.

31 Dec 2020 cS-15.1 Reg 10 s10-16.

Cut-off saws

10-17 An employer, contractor or supplier shall ensure that:

(a) a manually-operated, sliding or swing cut-off saw is equipped with a device that will return the saw automatically to the back of the table when the saw is released at any point in the saw's travel; and

(b) a limit device is installed on a swing or sliding cut-off saw to prevent the saw from travelling beyond the outside edge of the cutting table.

31 Dec 2020 cS-15.1 Reg 10 s10-17.

Pushblocks and pushsticks

10-18(1) In this section:

"pushblock" means a short block of wood with a shoulder at the rear that is provided with a suitable handle that will engage with the shoulder;

"pushstick" means a narrow strip of wood or other suitable material with a notch cut into 1 end.

(2) An employer or contractor shall ensure that a worker uses a pushstick or pushblock to feed wood or other material into any machine that is used for cutting or shaping the wood or other material.

31 Dec 2020 cS-15.1 Reg 10 s10-18.

Hand-fed planers and joiners

10-19(1) An employer or contractor shall ensure that a hand-fed planer or joiner is operated at a height that is suitable for the worker who operates it.

(2) An employer, contractor or supplier shall ensure that a hand-fed planer or joiner with a horizontal cutting head has an automatic safeguard that will cover all sections of the head on the working side of the safeguard when material is not being cut.

31 Dec 2020 cS-15.1 Reg 10 s10-19.

PART 11
Powered Mobile Equipment

Definition for Part

11-1 In this Part, **"hours of darkness"** means:

(a) the period from one-half hour after sunset to 1 hour before sunrise; or

(b) any time when, because of insufficient light or unfavourable atmospheric conditions, persons or vehicles are not clearly discernable at a distance of 150 metres.

31 Dec 2020 cS-15.1 Reg 10 s11-1.

Trained operators for powered mobile equipment

11-2(1) In this section:

"farming or ranching operation" includes any of the following operations:

(a) the production of crops, including fruits and vegetables, seeds and animal feed, through the cultivation of land;

(b) the drying, cleaning, handling and transporting of grain by the original producer of that grain;

(c) feedlot and intensive livestock operations;

(d) the production of raw milk;

(e) the operation of greenhouses;

(f) the operation of herb or mushroom farms;

(g) the raising of animals used in the production of food, including horses;

(h) the keeping of bees;

(i) the operation of sod farms;

(j) the operation of tree nurseries;

"trained operator" means a worker who:

(a) has successfully completed a training program that includes all of the elements set out in Table 11 of the Appendix for the type of powered mobile equipment that the worker will be required or permitted to operate; or

(b) is completing the practical training required by Table 11 of the Appendix under the direct supervision of a competent operator within the meaning of clause (a).

(2) Subject to subsection (4), every employer or contractor shall ensure that only trained operators are required or permitted to operate powered mobile equipment.

(3) An employer or contractor shall ensure that:

(a) the training required by Table 11 of the Appendix is provided by competent persons; and

(b) a written record of all training delivered to workers pursuant to this section and Table 11 of the Appendix is kept readily available.

(4) This section does not apply to persons directly engaged in a farming or ranching operation.

31 Dec 2020 cS-15.1 Reg 10 s11-2.

Visual inspection

11-3(1) Before a worker starts any powered mobile equipment, an employer or contractor shall ensure that the worker makes a complete visual inspection of the equipment and the surrounding area to ensure that no worker, including the operator, is endangered by the start-up of the equipment.

(2) No worker shall start any powered mobile equipment until the inspection required by subsection (1) is completed.

31 Dec 2020 cS-15.1 Reg 10 s11-3.

Inspection and maintenance

11-4 An employer or contractor shall ensure that:

(a) all powered mobile equipment is inspected by a competent person for defects and unsafe conditions as often as is necessary to ensure that it is capable of safe operation;

(b) if a defect or unsafe condition that may create a hazard to a worker is identified in the powered mobile equipment:

(i) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(ii) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected; and

(c) a written record of the inspections and maintenance carried out pursuant to clauses (a) and (b) is kept at the place of employment and made readily available to the operator.

31 Dec 2020 cS-15.1 Reg 10 s11-4.

Requirements for powered mobile equipment

11-5(1) An employer, contractor or supplier shall ensure that each unit of powered mobile equipment is equipped with:

(a) a device within easy reach of the operator that will permit the operator to stop as quickly as possible any ancillary equipment driven from the powered mobile equipment, including any power take-off, crane and auger and any digging, lifting and cutting equipment;

(b) a horn or other audible warning device;

(c) seats that are designed and installed to ensure the safety of all workers required or permitted to be in or on the equipment while the equipment is in motion except if the powered mobile equipment is designed to be operated from a standing position; and

(d) an effective braking system and an effective parking device.

(2) If a unit of powered mobile equipment is operated during hours of darkness in an area that is not adequately illuminated, an employer, contractor or supplier shall ensure that it is equipped with suitable headlights and back-up lights that clearly illuminate the path of travel.

(3) If a unit of powered mobile equipment has a windshield, an employer, contractor or supplier shall ensure that it is equipped with suitable windshield washers and wipers.

(4) If a unit of powered mobile equipment is fitted with roll-over protective structures, an employer, contractor or supplier shall ensure that the equipment is equipped with:

(a) seat-belts for the operator and any other worker who is required or permitted to be in or on the equipment while the equipment is in motion; or

(b) shoulder belts, bars, gates, screens or other restraining devices designed to prevent the operator and any other worker from being thrown outside the roll-over protective structures if the work process renders the wearing of a seat-belt impracticable.

(5) If there is a danger to the operator of a unit of powered mobile equipment or any other worker who is required or permitted to be in or on a unit of powered mobile equipment from a falling object or projectile, an employer, contractor or supplier shall ensure that the powered mobile equipment is equipped with a suitable and adequate cab, screen or guard.

31 Dec 2020 c S-15.1 Reg 10 s11-5.

Construction, repair, etc., of powered mobile equipment

11-6 An employer, contractor, owner or supplier shall ensure that each unit of powered mobile equipment is constructed, structurally repaired, inspected, tested, maintained and operated in accordance with the manufacturer's specifications or an approved standard.

31 Dec 2020 c S-15.1 Reg 10 s11-6.

Use of seat-belt or restraint by operator

11-7 An employer or contractor shall ensure that the operator of a unit of powered mobile equipment uses the seat-belt or other restraining device required by subsection 11-5(4).

31 Dec 2020 c S-15.1 Reg 10 s11-7.

Protection against shifting of load

11-8 An employer or contractor shall install a bulkhead or other effective restraining device to protect the operator and any other worker who is required or permitted to be in or on powered mobile equipment used to transport equipment or materials that may shift under emergency stopping conditions and endanger the operator or other worker.

31 Dec 2020 c S-15.1 Reg 10 s11-8.

Warning of reverse motion

11-9 An employer, contractor or supplier shall ensure that a motor vehicle or unit of powered mobile equipment that may be used in such a way that a worker other than the operator may be placed at risk by an unexpected reverse movement is equipped with a suitable warning device that operates automatically when the vehicle or equipment starts to move in reverse.

31 Dec 2020 cS-15.1 Reg 10 s11-9.

Roll-over protective structures

11-10(1) An employer, contractor or supplier shall ensure that no unit of powered mobile equipment that is equipped with an engine rated at 15 kilowatts or more and is in any of the following categories is used unless it is fitted with a roll-over protective structure that meets the requirements of subsection (2):

(a) motor grader;

(b) crawler tractor, other than one that operates with side booms;

(c) wheeled or tracked dozer and loader, other than one that operates with side booms;

(d) self-propelled wheeled scraper;

(e) self-propelled roller;

(f) compactor;

(g) rubber-tired tractor;

(h) skidder.

(2) Except as otherwise provided in these regulations, an employer, contractor or supplier shall ensure that a roll-over protective structure required by subsection (1):

(a) is designed, manufactured and installed to meet the requirements of an approved standard; and

(b) has the following information permanently and legibly marked on the structure:

(i) the manufacturer's name and address;

(ii) the model and serial number;

(iii) the make and model or series number of the machines that the structure is designed to fit;

(iv) an identification of the standard to which the structure was designed, manufactured and installed.

(3) If a roll-over protective structure required by subsection (1) is not available, an employer, contractor or supplier shall ensure that a unit of powered mobile equipment mentioned in subsection (1) is equipped with a roll-over protective structure that is:

(a) designed by a professional engineer;

(b) designed and fabricated so that the structure and supporting attachments will support at least twice the weight of the equipment to which the structure is to be fitted, based on the ultimate strength of the metal and integrated loading of structural members, with the resultant load applied at the point of impact; and

(c) installed to have a vertical clearance of 1.2 metres between the decks and the structures at the point of operator entrance or exit.

(4) A roll-over protective structure that was installed on powered mobile equipment on or before December 4, 1996 and that was designed and manufactured to meet any standard described in section 200 of *The Occupational Health and Safety Regulations* as that section existed immediately before December 4, 1996 is deemed to meet the requirements of this section.

(5) An employer, contractor or supplier shall ensure that all modifications or repairs to existing roll-over protective structures are certified as meeting the requirements of this section by a professional engineer.

(6) This section does not apply to equipment that is used underground in a mine and that is governed by *The Mines Regulations*.

31 Dec 2020 cS-15.1 Reg 10 s11-10.

Transparent materials used in cabs, etc.

11-11(1) An employer, contractor or supplier shall ensure that any transparent material used as part of the enclosure for a cab, canopy or roll-over protective structure on powered mobile equipment is made of safety glass or another material that gives at least equivalent protection against shattering.

(2) An employer, contractor or supplier shall ensure that any defective glass or other transparent material in a cab, canopy or roll-over protective structure that creates or may create a hazard is removed and replaced.

31 Dec 2020 cS-15.1 Reg 10 s11-11.

Fuel tanks in enclosed cabs

11-12 If a unit of powered mobile equipment is equipped with an enclosed cab, an employer, contractor or supplier shall ensure that a fuel tank located in the enclosed cab has a filler spout and vents that extend to the outside of the cab.

31 Dec 2020 cS-15.1 Reg 10 s11-12.

Dangerous movements

11-13(1) If a worker may be endangered by the swinging movement of a load or a part of a unit of powered mobile equipment, an employer or contractor shall not require or permit a worker to remain within range of the swinging load or part.

(2) If a worker may be required or permitted to perform maintenance, repairs or other work on or under an elevated part of a unit of powered mobile equipment, an employer or contractor shall ensure that the elevated part is securely blocked to prevent accidental movement.

(3) An operator of a unit of powered mobile equipment shall not move or cause to be moved any load or part of the equipment when a worker may be endangered by that movement.

31 Dec 2020 cS-15.1 Reg 10 s11-13.

Transporting workers

11-14(1) An employer or contractor shall ensure that no worker is transported on a vehicle or a unit of powered mobile equipment unless the worker is seated and secured by a seat-belt or other restraining device that is designed to prevent the worker from being thrown from the vehicle or equipment while the vehicle or equipment is in motion.

(2) An employer or contractor shall ensure that no worker is transported on the top of a load that is being moved by a vehicle or a unit of powered mobile equipment.

(3) An employer or contractor shall ensure that no worker places equipment or material in a compartment of a vehicle or powered mobile equipment in which the operator or another worker is being transported unless the equipment or material is positioned or secured so as to prevent injury to the operator or the other worker.

(4) If an open vehicle or unit of powered mobile equipment is used to transport a worker, an employer or contractor shall ensure that the worker is restrained from falling from the vehicle or powered mobile equipment and that no part of the worker's body protrudes beyond the side of the vehicle or powered mobile equipment.

(5) An employer or contractor shall ensure that sufficient protection against inclement weather is provided for workers who are required to travel in a vehicle or a unit of powered mobile equipment.

(6) If a vehicle or unit of powered mobile equipment with an enclosed body is used to transport workers, an employer, contractor or supplier shall ensure that the exhaust outlet of the engine is located so that exhaust gases cannot enter the enclosed body.

31 Dec 2020 cS-15.1 Reg 10 s11-14.

Ladders attached to extending boom

11-15(1) An employer or contractor shall ensure that:

(a) subject to subsection (2), no worker is on a ladder that is attached as a permanent part of an extending boom on powered mobile equipment during any movement of the equipment, including extension or retraction of the boom;

(b) if outriggers are incorporated into powered mobile equipment, no worker climbs a ladder attached to an extending boom unless the outriggers are deployed; and

(c) no worker operates any powered mobile equipment equipped with an extending boom unless the powered mobile equipment is stable under all operating conditions.

(2) Clause (1)(a) does not apply to firefighting equipment.

31 Dec 2020 cS-15.1 Reg 10 s11-15.

Forklifts

11-16(1) An employer, contractor or supplier shall ensure that every forklift:

(a) is provided with a durable and clearly legible load rating chart that is readily available to the operator; and

(b) is equipped with a seat-belt for the operator if the forklift is equipped with a seat.

(2) An employer or contractor shall ensure that the operator of a forklift uses the seat-belt required by clause (1)(b).

31 Dec 2020 cS-15.1 Reg 10 s11-16.

PART 12
Scaffolds, Aerial Devices, Elevating Work Platforms and Temporary Supporting Structures

Definitions for Part

12-1 In this Part:

"aerial device" means a vehicle-mounted telescoping or articulating unit that is used to position a worker at an elevated worksite, and includes a work basket or bucket, an aerial ladder, an extendable and articulating boom platform, a vertical tower and any combination of those devices;

"base plate" means a device that is attached to the base of a scaffold upright and that is used to distribute the vertical load over a larger area of the sill;

"bearer" means a horizontal scaffold member on which the platform rests and that may be supported by ledgers, and includes transoms and joists;

"brace" means a scaffold member fastened diagonally to the uprights across the vertical faces of the scaffold to provide stability against lateral movement of the scaffold;

"bracket scaffold" means a platform that is supported by 2 or more triangular brackets projecting out from a structure to which the brackets are securely fastened;

"double-pole scaffold" means a platform that is supported by bearers attached to a double row of braced uprights;

"elevating work platform" means a work platform that can be self-elevated to overhead worksites, and includes an elevating rolling work platform, a self-propelled elevating work platform and a boom-type elevating work platform;

"flyform deck panel" means a temporary supporting structure that:

(a) is used as a modular falsework;

(b) is intended to be moved; and

(c) is capable of being moved from floor to floor and re-used during a construction project;

"half-horse scaffold" means a platform that is supported by 2 or more braced, splayed supports resting in or on the structure;

"heavy-duty scaffold" means a scaffold that is intended to support workers, equipment and stored or stacked materials and that is designed to support the minimum load identified in clause 12-5(1)(b);

"ladderjack scaffold" means a platform that is supported by brackets attached to ladders;

"ledger" means a horizontal scaffold member extending from upright to upright that may support the bearers, and includes runners, stringers and ribbons;

"light-duty scaffold" means a scaffold that is intended to support workers and materials for current use only, with no storage of other materials except the worker's tools, and that is designed to support the load identified in clause 12-5(1)(a);

"maximum load" means the maximum actual load that a scaffold is designed to support or resist in use, and includes the working load, the actual weight of all the components of the scaffold, wind, environmental conditions and all other loads that may reasonably be anticipated;

"modular scaffold" means a platform that is supported by uprights with fixed attachment points for standard-sized ledgers, bracing and accessories;

"needle-beam scaffold" means a platform that is supported by parallel horizontal beams suspended by ropes attached to overhead anchors;

"outrigger scaffold" means a platform that is supported by rigid members that are cantilevered out from the structure or vertical supports;

"personnel lifting unit" means a work platform suspended by rigging from a crane or hoist that is used to position a worker at an elevated worksite, and includes a manbasket and work basket;

"rolling scaffold" means a freestanding scaffold that is equipped with castors or wheels at the base of the scaffold;

"scaffold" means a temporary elevated platform and the platform's supporting structure that are designed to support workers and hand tools, or workers, equipment and materials;

"sill" means a wood, concrete or metal footing used to distribute the load from a standard, an upright or a base plate of a scaffold to the ground;

"single-pole scaffold" means a platform that is supported by bearers attached at the outer end to a single row of braced uprights and at the inner end to the structure;

"suspended outrigger scaffold" means a scaffold with a working platform that is suspended by wooden vertical members from rigid horizontal members that are cantilevered out from the structure;

"suspended powered scaffold" means a platform that is suspended from overhead supports by ropes or cables and equipped with winches or pulley blocks so that the scaffold can be moved, and includes a boatswain's chair, work basket, work cage, swingstage or other similar scaffold;

"suspended scaffold" means a platform that is supported by 4 wire ropes suspended from members that are cantilevered out from the structure;

"temporary supporting structure" means a falsework, form, flyform deck panel, shoring, brace or cable that is used to support a structure temporarily or to stabilize materials or earthworks until the materials or earthworks are self-supporting or the instability is otherwise overcome, and includes metal scaffold components;

"tube and clamp scaffold" means a platform that is supported by steel or aluminum tubes with wedge or bolt clamp connectors and accessories;

"tubular frame scaffold" means a platform that is supported by welded tubular frames, cross-braces and accessories;

"upright" means a vertical scaffold member that transmits the load to the ground, and includes posts, verticals and standards;

"working load" means the total of the loads from workers, materials, equipment and work processes.

31 Dec 2020 cS-15.1 Reg 10 s12-1.

Scaffold required

12-2 If work cannot be safely done from the ground or from a permanent structure, an employer or contractor shall provide a scaffold or other safe working platform or a ladder that meets the requirements of Part 16 for the use of workers.

31 Dec 2020 cS-15.1 Reg 10 s12-2.

Prohibition

12-3 No employer or contractor shall require or permit a worker to use a needle-beam scaffold or a suspended outrigger scaffold as a work platform.

31 Dec 2020 cS-15.1 Reg 10 s12-3.

Limited use of certain scaffolds

12-4(1) An employer or contractor shall ensure that the following types of scaffolds are used only as light-duty scaffolds:

(a) half-horse scaffolds;

(b) ladderjack scaffolds;

(c) single-pole scaffolds.

(2) An employer or contractor shall ensure that the following types of scaffolds are used only as light-duty scaffolds unless the scaffold is designed by a professional engineer and constructed, erected, used, maintained and dismantled in accordance with that design:

(a) bracket scaffolds;

(b) outrigger scaffolds;

(c) suspended scaffolds;

(d) suspended powered scaffolds.

31 Dec 2020 cS-15.1 Reg 10 s12-4.

General requirements

12-5(1) An employer or contractor shall ensure that:

(a) every light-duty scaffold is designed and constructed to support:

(i) a minimum working load of 3.63 kilonewtons per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section; and

(ii) a minimum uniformly distributed working load of 1.20 kilonewtons per square metre, acting simultaneously with the concentrated load specified in subclause (i); and

(b) every heavy-duty scaffold is designed and constructed to support:

(i) a minimum working load of 3.88 kilonewtons per lineal metre of platform width applied vertically and uniformly across an independent platform section along an imaginary line drawn perpendicular to the platform edge anywhere along the length of the section; and

(ii) a minimum uniformly distributed working load of 3.60 kilonewtons per square metre, acting simultaneously with the concentrated load specified in subclause (i).

(2) An employer or contractor shall ensure that every scaffold is:

(a) designed, constructed, erected, used and maintained so as to perform safely any task that the scaffold is required to perform;

(b) designed, constructed and erected to support or resist:

(i) in the case of a wooden scaffold, at least 4 times the load that may be imposed on the scaffold;

(ii) in the case of a metal scaffold, at least 2.2 times the load that may be imposed on the scaffold;

(iii) in the case of any components suspending any part of a scaffold supporting workers, at least 10 times the load that may be imposed on those components; and

(iv) 4 times the maximum load or force to which the scaffold is likely to be subjected without overturning; and

(c) erected, maintained and dismantled by a competent worker.

(3) An employer or contractor shall ensure that a freestanding scaffold is restrained from overturning by guying or other suitable means.

(4) An employer or contractor shall ensure that a scaffold that is built from the ground or other surface:

(a) is supported by a foundation that is of sufficient area, stability and strength to ensure the stability of the scaffold;

(b) is set level on a stable sill that is at least 38 x 240 millimetres and continuous under at least 2 consecutive supports;

(c) has a base plate installed in any upright that could penetrate the sill;

(d) is supported against lateral movement by adequate, secure bracing;

(e) is anchored:

(i) vertically at not less than 4-metre intervals and horizontally at not less than 6-metre intervals;

(ii) if designed by a professional engineer, at intervals recommended by a professional engineer; or

(iii) if commercially manufactured, at intervals recommended by the manufacturer;

(f) is provided with internal stairways or ladders if the scaffold is 9 metres or more in height; and

(g) is checked to ensure that the scaffold is plumb and level after each tier is added.

(5) If a scaffold is partially or fully enclosed, an employer or contractor shall ensure that all scaffold components and tie-ins are adequate to support the added load that may be placed on the scaffold as a result of wind or other adverse weather conditions.

(6) An employer or contractor shall ensure that all workers who are required to work on a scaffold are provided with the following information:

(a) the maximum working load of the scaffold;

(b) any other information, restriction or condition that is necessary to ensure the safe use of the scaffold.

(7) If a scaffold is more than 6 metres high, an employer or contractor shall install a gin wheel and hoist arm or other suitable lifting device to hoist materials from the ground.

31 Dec 2020 cS-15.1 Reg 10 s12-5.

Ropes in scaffolds

12-6(1) An employer or contractor shall ensure that a rope or wire rope that forms an integral part of a scaffold is protected against abrasion or other physical damage.

(2) If damage to a rope that forms an integral part of a scaffold from heat or chemicals is possible, an employer or contractor shall ensure that rope of heat or chemical resistant material is used.

31 Dec 2020 cS-15.1 Reg 10 s12-6.

Scaffold planks and platforms

12-7(1) An employer or contractor shall ensure that scaffold planks:

(a) are inspected by a competent worker to ensure that the scaffold planks are free of defects before the planks are incorporated in a scaffold;

(b) subject to subsections (2) and (4), are of 38 x 240 millimetre, number 1 structural grade spruce lumber or material of equivalent or greater strength;

(c) are the same thickness as adjoining planks;

(d) are laid tightly side by side with adjoining planks to cover the full width of the platform;

(e) are secured to prevent accidental or inadvertent movement in any direction;

(f) if wooden, do not span more than 3 metres between vertical supports on a light-duty scaffold or 2.1 metres between vertical supports on a heavy-duty scaffold;

(g) if metal or manufactured laminate, do not have a span between vertical supports greater than the span recommended by the manufacturer; and

(h) do not extend less than 150 millimetres or more than 300 millimetres beyond the bearers.

(2) An employer, contractor or supplier may use a manufactured scaffold plank if the plank is used according to the manufacturer's recommendations and the manufactured scaffold plank is clearly marked with its maximum working load or the load specifications are readily available at the worksite.

(3) Subject to subsection (4), an employer or contractor shall ensure that a scaffold platform:

(a) is at least one-half metre wide in the case of a light-duty scaffold;

(b) is at least 1 metre wide in the case of a heavy-duty scaffold; and

(c) is level or, if used as a ramp, has a slope at an angle not steeper than 5 horizontal to 1 vertical.

(4) A single manufactured extending painter's plank, or a plank that is 51 x 305 millimetre, number 1 structural grade spruce lumber or material of equivalent or greater strength, may be used in a ladderjack scaffold.

31 Dec 2020 cS-15.1 Reg 10 s12-7.

Wooden scaffolds

12-8(1) An employer or contractor shall ensure that the dimensions of members of a light-duty wooden scaffold that is less than 6 metres in height are not less than the dimensions specified in Table 12 of the Appendix.

(2) An employer or contractor shall ensure that a wooden scaffold is constructed of unpainted number 1 structural grade spruce lumber or material of equivalent or greater strength.

31 Dec 2020 cS-15.1 Reg 10 s12-8.

Metal scaffolds

12-9(1) If a metal scaffold is used, an employer or contractor shall ensure that the metal scaffold is:

(a) erected, used, maintained and dismantled in accordance with the manufacturer's or professional engineer's specifications and recommendations; and

(b) inspected, by a competent person, before use and daily when in use for any damage, deterioration or weakening of the scaffold or the scaffold's components.

(2) If a metal scaffold or a component of a metal scaffold is damaged, deteriorated or weakened so that the strength or stability of the scaffold is affected, an employer or contractor shall ensure that the scaffold is not used until the scaffold or component is repaired or replaced by a competent person in accordance with the manufacturer's or a professional engineer's specifications and recommendations.

(3) If a metal scaffold is a tube and clamp scaffold, an employer or contractor shall ensure that:

(a) joints in adjacent uprights are staggered and do not occur in the same tier;

(b) joints in uprights are located not more than one-third of a tier away from the connection of a ledger;

(c) ledgers are erected horizontally along the length of the scaffold and coupled to each upright at regular intervals of 1 tier;

(d) all ledgers are joined to form a continuous length;

(e) individual tube lengths of a ledger are the lesser of:

(i) 2 or more bays in length; or

(ii) the horizontal length of the scaffold;

(f) tubes of different metals or gauges are not joined together; and

(g) if base plates are required, they are securely installed in the uprights and securely attached to the sills.

(4) If a metal scaffold is a standard tubular frame scaffold, an employer or contractor shall ensure that:

(a) if base plates, shore heads, extension devices or screwjacks are necessary, they are securely installed and securely attached to the sills and the legs of the frame; and

(b) there are no gaps between the lower end of 1 frame and the upper end of the frame below on stacked frames.

(5) If a metal scaffold is a modular scaffold, an employer or contractor shall ensure that:

(a) if extension devices or screwjack bases and base collars are necessary, they are securely installed and securely attached to the sills;

(b) joints in adjacent uprights are staggered and do not occur in the same tier;

(c) there are no gaps between the lower end of 1 upright and the upper end of the upright below it;

(d) ledgers, bearers and braces are properly secured; and

(e) components from different modular scaffold systems are not used in the same scaffold.

31 Dec 2020 cS-15.1 Reg 10 s12-9.

Heavy-duty scaffolds, scaffolds used at certain heights

12-10(1) This section applies to a scaffold that:

(a) is to be used as a heavy-duty scaffold;

(b) in the case of a wooden scaffold, has a platform at a height that is 6 metres or more above either ground level or a permanent working surface; or

(c) in the case of a metal scaffold, has a platform at a height that is greater than 15 metres above either ground level or a permanent working surface.

(2) An employer, contractor or owner shall ensure that a scaffold mentioned in subsection (1) is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

(3) While a scaffold mentioned in subsection (1) is being constructed, erected, used, maintained or dismantled, an employer, contractor or owner shall keep at the worksite all drawings and supplementary information regarding the scaffold, including:

(a) the dimensions, specifications, type and grade of all components of the scaffold; and

(b) the maximum load and the maximum working load that the scaffold is designed or manufactured to support.

(4) An employer, contractor or owner shall make readily available to the workers a copy of the drawings and supplementary information mentioned in subsection (3).

31 Dec 2020 cS-15.1 Reg 10 s12-10.

Half-horse scaffolds

12-11(1) An employer or contractor shall ensure that the legs of a half-horse scaffold are not spliced, are less than 3 metres high and have an angle of repose and an angle of splay that are 15° from the vertical.

(2) An employer or contractor shall ensure that a ladder is used to provide access to and exit from a half-horse scaffold.

31 Dec 2020 cS-15.1 Reg 10 s12-11.

Bracket scaffolds

12-12 An employer or contractor shall ensure that the brackets of a bracket scaffold are securely attached to prevent the brackets from dislodging and are not more than 3 metres apart.

31 Dec 2020 cS-15.1 Reg 10 s12-12.

Ladderjack scaffolds

12-13 An employer or contractor shall ensure that:

(a) brackets and ladders used for a ladderjack scaffold are:

(i) designed and constructed to support the anticipated load safely; and

(ii) used according to the manufacturer's specifications and recommendations; and

(b) ladders used for a ladderjack scaffold are not more than 3 metres apart.

31 Dec 2020 cS-15.1 Reg 10 s12-13.

Single-pole scaffolds

12-14 An employer or contractor shall ensure that:

(a) a single-pole scaffold is adequately supported in 2 directions by a system of diagonal braces that are:

(i) not more than 6 metres long; and

(ii) connected to the uprights as close to the ledgers as possible; and

(b) every ledger on a single-pole scaffold is supported by a bearer that is of substantial construction and that is securely fastened to the structure.

31 Dec 2020 cS-15.1 Reg 10 s12-14.

Outrigger scaffolds

12-15 If an outrigger scaffold is used, an employer or contractor shall ensure that the scaffold is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

31 Dec 2020 cS-15.1 Reg 10 s12-15.

Suspended scaffolds

12-16(1) If a suspended scaffold is used, an employer, contractor or supplier shall ensure that the scaffold is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

(2) An employer or contractor shall ensure that the working parts of the hoisting mechanism of a suspended scaffold are left exposed so that defective parts or irregular working of the mechanism can be easily detected.

(3) An employer or contractor shall ensure that no worker is required or permitted to operate the hoisting mechanism of a suspended scaffold unless the worker is competent and has been designated by the employer or contractor to perform that work.

(4) An employer or contractor shall ensure that all parts of a suspended scaffold are inspected before use and daily when in use.

31 Dec 2020 cS-15.1 Reg 10 s12-16.

Suspended powered scaffolds

12-17(1) If a suspended powered scaffold is used, an employer, contractor, supplier or owner shall ensure that the scaffold and its suspension system is:

(a) designed by a professional engineer and erected, used, maintained and dismantled in accordance with that design; or

(b) commercially manufactured to meet the requirements of an approved standard and erected, used, maintained and dismantled in accordance with the manufacturer's specifications and recommendations.

(2) An employer, contractor or owner shall ensure that:

(a) if a parapet is part of the support structure of a suspended powered scaffold, the parapet can withstand the force of the load; and

(b) the anchor points for the suspension system are secure and can safely withstand the load.

(3) An employer, contractor, owner or supplier shall ensure that a power unit of a suspended powered scaffold is equipped with positive pressure controls and positive drives for raising and lowering the scaffold.

(4) If workers are required to use a manually-operated suspended powered scaffold, an employer, contractor, supplier or owner shall ensure that:

(a) the scaffold is equipped with spring-actuated locking pawls;

(b) the hoisting mechanism is locked in a positive drive position by means of a spring-steel locking pin; and

(c) the locking pin is permanently attached to the hoisting mechanism by a light chain.

(5) If a suspended powered scaffold is used, an employer, contractor or owner shall ensure that:

(a) the suspension rope consists of wire rope that is at least 8 millimetres in diameter or meets the specifications recommended by the manufacturer of the scaffold or the professional engineer who designed the scaffold;

(b) either:

(i) the suspension rope is long enough to reach the next working surface below the scaffold;

(ii) the end of the suspension rope is doubled back and held securely by a cable clamp to prevent the hoisting machine from running off the end of the rope; or

(iii) directional limiting devices that prevent travel of the working platform beyond the safe limit of travel are installed; and

(c) all rigging hardware has a safety factor of at least 10.

(6) An employer, contractor or owner shall ensure that a suspended powered scaffold is equipped with a secondary safety device that will activate if the suspension rope connection or primary hoisting system fails.

(7) An employer, contractor or owner shall ensure that a lifeline used with a suspended powered scaffold is:

(a) suspended independently from the scaffold; and

(b) securely attached to a fixed anchor point so that the failure of the scaffold will not cause the lifeline to fail.

(8) An employer, contractor or owner shall ensure that the working platform of a suspended powered scaffold:

(a) is at least 500 millimetres wide and fastened to the stirrups; and

(b) is designed to prevent the scaffold from swinging or swaying away from the structure from which the scaffold is suspended.

(9) An employer, contractor or owner shall ensure that:

(a) there is no covering or hoarding around or over a suspended powered scaffold; and

(b) 2 or more suspended powered scaffolds are not linked together by bridging the distance between the scaffolds with planks or any similar form of connection.

(10) If a suspended powered scaffold is permanently installed on a structure, an employer, contractor or owner shall ensure that a professional engineer has certified that the scaffold, its suspension system and all components and anchor points are safe before the scaffold is used.

31 Dec 2020 cS-15.1 Reg 10 s12-17.

Tie-in guides

12-18(1) An owner shall ensure that a new structure that will be serviced by a suspended powered scaffold is constructed with:

(a) fixed anchor points that will safely support the scaffold and lifelines; and

(b) tie-in guides to provide a positive means of engagement between the suspended part of the equipment and the structure during the full vertical or inclined travel of the scaffold on the face of the structure.

(2) The tie-in guides required by clause (1)(b) must meet the requirements of an approved standard.

31 Dec 2020 cS-15.1 Reg 10 s12-18.

Use of suspended powered scaffolds

12-19(1) An employer or contractor shall:

(a) develop work practices and procedures for the safe use of any suspended powered scaffold;

(b) train the workers in the procedures required pursuant to clause (a); and

(c) ensure that every worker complies with the procedures required pursuant to clause (a).

(2) An employer or contractor shall ensure that a suspended powered scaffold is operated by a competent worker.

(3) An employer or contractor shall ensure that all parts of a suspended powered scaffold are inspected before use and daily when in use.

(4) An employer or contractor shall ensure that a worker who works on a suspended powered scaffold is provided with and uses a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part 7.

31 Dec 2020 cS-15.1 Reg 10 s12-19.

Workers' responsibilities

12-20(1) Before starting to work on a suspended powered scaffold, a worker shall inspect the scaffold to ensure that:

(a) the thrustouts or parapet hooks are secured; and

(b) the suspension ropes and lifelines are free from abrasion or other damage.

(2) While working on a suspended powered scaffold, a worker shall:

(a) remain on the platform between the suspension ropes at all times;

(b) secure from fouling all ropes from the scaffold that extend to the ground or a landing;

(c) use a full-body harness, connecting linkage, personal fall arrest system and lifeline that meet the requirements of Part 7; and

(d) ensure that, when the scaffold is being moved up or down on a suspension rope, the scaffold is kept level.

(3) A worker shall not:

(a) bridge the distance between a suspended powered scaffold and any other scaffold with planks or by any other means; or

(b) use the lifeline or the suspension ropes as a means of access to or exit from the scaffold except in cases of emergency.

(4) A worker shall comply with the work practices and procedures developed pursuant to clause 12-19(1)(a).

31 Dec 2020 cS-15.1 Reg 10 s12-20.

Rolling scaffolds

12-21(1) An employer or contractor shall ensure that the height of a rolling scaffold is not more than 3 times:

(a) the smallest dimension of the scaffold's base; or

(b) if outriggers are provided, the smallest dimension of the scaffold's base, including the extended outriggers.

(2) If outriggers are provided on a rolling scaffold, an employer or contractor shall ensure that the outriggers are firmly attached to the scaffold uprights to ensure the stability of the scaffold.

(3) An employer or contractor shall ensure that:

(a) each wheel on a rolling scaffold is equipped with a device to securely attach the wheel to the scaffold;

(b) if vertical adjusting devices are required, they are securely attached to the scaffold; and

(c) each rolling scaffold is secured against inadvertent movement while a worker is on the scaffold.

(4) An employer or contractor shall ensure that a scaffold erected on a movable platform is securely fastened to that platform.

(5) An employer or contractor shall not require or permit a worker to remain on a rolling scaffold while the scaffold is being moved unless:

(a) the height of the work platform does not exceed twice the shortest base dimension of the scaffold;

(b) the route to be travelled by the rolling scaffold has been thoroughly examined and found to be free of any condition that could cause the rolling scaffold to tilt or otherwise go out of control; and

(c) a work platform fills the entire area enclosed by the scaffold structure.

31 Dec 2020 cS-15.1 Reg 10 s12-21.

Shinglers' roofing scaffold

12-22(1) If a shingler's roofing scaffold is used, an employer or contractor shall ensure that:

(a) the scaffold is designed, constructed, installed and maintained to support the loads that may be applied to the scaffold;

(b) the scaffold is provided with effective non-slipping devices; and

(c) the scaffold platform is at least 38 by 140 millimetres.

(2) The employer or contractor shall develop and implement work practices and procedures for the safe use of any shingler's roof scaffold.

31 Dec 2020 cS-15.1 Reg 10 s12-22.

Crawl boards, roof ladders

12-23 An employer, contractor or owner shall ensure that a crawl board or roof ladder used for roof work is securely fastened to the roof.

31 Dec 2020 cS-15.1 Reg 10 s12-23.

Prohibition

12-24 Except as provided in sections 12-25 and 12-27, an employer or contractor shall ensure that no worker is raised or lowered by, or works on, a platform or load suspended from powered mobile equipment.

31 Dec 2020 cS-15.1 Reg 10 s12-24.

Aerial devices and elevating work platforms

12-25(1) An employer or contractor shall ensure that:

(a) an aerial device, elevating work platform or personnel lifting unit is designed, constructed, erected, operated and maintained in accordance with an approved standard; or

(b) a professional engineer has certified that:

(i) an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are safe for the purpose of raising workers and loads; and

(ii) the components of an aerial device, elevating work platform or personnel lifting unit and its elevating system and mountings are designed in accordance with an approved standard.

(2) An employer or contractor shall not require or permit a worker to be raised or lowered by any aerial device or elevating work platform or to work from a device or platform held in an elevated position unless:

(a) there is an adequate and suitable means of communication between the worker operating the controls and the worker raised on the platform, if they are not the same person;

(b) the elevating mechanism is designed so that, if any failure of the mechanism occurs, the platform will descend in a controlled manner so that no worker on the platform will be endangered;

(c) the controls are designed so that the platform will be moved only when direct pressure is applied to the controls;

(d) the drive mechanism of any operation for moving the platform is positive and does not rely on gravity;

(e) road traffic conditions, environmental conditions, overhead wires, cables and other obstructions do not create a danger to the worker;

(f) the brakes of the aerial device or elevating work platform are engaged, except when operated in accordance with manufacturer's recommendations;

(g) if the aerial device or elevating work platform is equipped with outriggers, the outriggers are set;

(h) pursuant to clause (i), the worker is provided with and is required to use a personal fall arrest system that meets the requirements of Part 7; and

(i) the aerial device or elevating work platform is equipped with a lanyard attachment point that is:

(i) designed and constructed to an approved standard; or

(ii) certified as safe by a professional engineer and installed and used in accordance with that design.

(3) Notwithstanding any other provision in this section but subject to section 30-16, an employer or contractor shall not require or permit a worker working on an exposed energized high voltage electrical conductor to work from an aerial device or elevating work platform unless the controls are operated by the worker on the device or platform.

(4) If a worker leaves an aerial device or elevating work platform parked or unattended, an employer or contractor shall ensure that the device or platform:

(a) is locked or rendered inoperative; or

(b) is fully lowered and retracted with all hydraulic systems in the neutral position or incapable of operating by moving the controls.

(5) An employer or contractor shall ensure that:

(a) a worker who operates an aerial device or elevating work platform is trained to operate the device or platform safely; and

(b) the training includes the manufacturer's instructions and recommendations, the load limitations, the proper use of all controls and any limitations on the surfaces on which the device or platform is designed to be used.

(6) An employer or contractor shall ensure that, while a worker is on a work platform mounted on a forklift and the forklift is in the raised position, the operator:

(a) remains at the controls; and

(b) does not drive the forklift.

(7) An employer or contractor shall ensure that the manufacturer's operating manual for the aerial device or elevating work platform is kept with the device or platform at all times.

31 Dec 2020 cS-15.1 Reg 10 s12-25.

Maintenance and inspection

12-26(1) An employer, contractor, owner or supplier shall ensure that only competent persons maintain and inspect an aerial device, elevating work platform, suspended powered platform, personnel lifting unit or scaffold to which section 12-10 applies.

(2) An employer, contractor, owner or supplier shall ensure that a maintenance and inspection record tag:

(a) is provided for an aerial device, elevating work platform, suspended powered scaffold, personnel lifting unit or scaffold to which section 12-10 applies, and is attached to the device, platform, unit or scaffold near the operator's station; and

(b) has the following recorded on it:

(i) the date of the last maintenance;

(ii) the name and signature of the person who performed the maintenance; and

(iii) an indication that the maintenance has been carried out in accordance with the manufacturer's recommendations.

31 Dec 2020 cS-15.1 Reg 10 s12-26.

Forklifts

12-27(1) An employer or contractor shall ensure that no worker is raised or lowered by, or required or permitted to work on, a forklift or any device mounted on a forklift except as provided by this section.

(2) An employer or contractor shall ensure that a work platform mounted on a forklift on which a worker may be raised or lowered or required or permitted to work is:

(a) designed and constructed to an approved standard or designed and constructed and certified safe for use by a professional engineer to support safely the maximum load that the platform is expected to support;

(b) securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform;

(c) equipped with guardrails and toeboards that meet the requirements of sections 9-11 and 9-12; and

(d) equipped with a screen or similar barrier along the edge of the platform adjacent to the mast of the forklift to prevent a worker from contacting the mast drive mechanism.

(3) The employer or contractor shall ensure that a worker working from a work platform mentioned in subsection (2) uses a personal fall arrest system that meets the requirements of Part 7.

(4) An employer or contractor shall comply with the requirements mentioned in section 11-16.

31 Dec 2020 cS-15.1 Reg 10 s12-27.

Temporary supporting structures

12-28(1) An employer or contractor shall ensure that a temporary supporting structure is designed and constructed to withstand safely all loads that the structure is intended, or may reasonably be anticipated, to support.

(2) Without limiting the generality of subsection (1), an employer or contractor shall meet the requirements of subsection (3) if a temporary supporting structure consists of:

(a) shoring that is more than 3.6 metres high; or

(b) members that are connected to one another so that a load applied to any member of the structure may alter the stresses induced in the other members.

(3) An employer or contractor shall ensure that:

(a) a temporary supporting structure mentioned in subsection (2):

(i) is designed by a professional engineer;

(ii) is inspected by a professional engineer after assembly and before use; and

(iii) is certified by a professional engineer to be safe; and

(b) all the drawings and other instructions necessary to construct and use the temporary supporting structure safely are kept at the worksite.

(4) An employer or contractor shall ensure that a scaffold constructed as an integral part of a temporary supporting structure is designed and certified to be safe by a professional engineer.

31 Dec 2020 cS-15.1 Reg 10 s12-28.

Flyform deck panels

12-29(1) In addition to the requirements of section 12-28, an employer or contractor shall ensure that:

(a) all drawings and written procedures that are necessary to safely assemble, fly, use, dismantle or re-use a flyform deck panel are kept at the worksite for reference by workers;

(b) the workers are instructed in and comply with the procedures mentioned in clause (a);

(c) a flyform deck panel is securely attached to the permanent structure or to an adjacent panel; and

(d) the attachments mentioned in clause (c) are completed and made secure before the flyform deck panel is detached from the hoist used to position the panel.

(2) The drawings and procedures mentioned in clause (1)(a) must include:

(a) the plan view, the longitudinal section and the cross-section of the panel;

(b) the calculated position of the centre of gravity of the panel;

(c) the step-by-step procedures for all phases of assembly, flying, use, dismantling, repair and re-use of the panel;

(d) procedures for ensuring stability, if the panel is inherently unstable;

(e) procedures for application of the panel on a non-typical floor; and

(f) any other instructions that are necessary to ensure the safety of workers.

31 Dec 2020 cS-15.1 Reg 10 s12-29.

Erection of masonry wall

12-30 An employer or contractor shall ensure that a temporary supporting structure used to stabilize a masonry wall during the erection of the wall is not removed until the wall has been permanently stabilized.

31 Dec 2020 cS-15.1 Reg 10 s12-30.

Erection of skeleton structure

12-31(1) If structural members of a skeleton structure or concrete sections of a structure are to be erected, an employer or contractor shall ensure that the design includes safe procedures for erecting the members or sections.

(2) An employer or contractor shall ensure that:

(a) the design and safe procedures for erecting the members or sections required by subsection (1) are certified as safe by a professional engineer; and

(b) all the necessary drawings and instructions to erect the structure safely are kept at the worksite.

(3) An employer or contractor shall ensure that the workers are instructed in and follow the safe procedures required by subsection (1).

(4) If the procedures mentioned in subsection (1) have to be modified, an employer or contractor shall ensure that:

(a) the modified procedures are certified by a professional engineer; and

(b) the drawings showing the modified procedures are available at the worksite.

(5) An employer or contractor shall ensure that a competent supervisor is present on the worksite while the erection of a skeleton structure is in progress until the structure has been permanently stabilized.

31 Dec 2020 cS-15.1 Reg 10 s12-31.

PART 13
Hoists, Cranes and Lifting Devices

Definitions for Part

13-1 In this Part:

"anti 2 block warning device" means a device that warns the worker that continued upward movement of the load line may cause the load block to strike the upper sheaves;

"boom" means a member that is attached to a crane superstructure and used to support the upper end of the hoisting tackle;

"crane" means equipment that is designed to lift, lower and move loads horizontally and that consists of a rotating superstructure, operating machinery and a boom;

"designated operator" means a worker designated pursuant to clause 13-6(2)(a) to operate a hoist, crane or lifting device;

"jib" means an extension to a boom that is attached to the boom tip to provide additional boom length;

"lifting device" means a device that is used to raise or lower material or an object, but does not include a crane or hoist;

"load rating" means the maximum loads that may be lifted or lowered safely at a series of stated configurations under a series of stated conditions;

"material hoist" means a hoist that is designed to raise and lower equipment or material and that has a load-carrying unit that moves within fixed guides, but does not include a hoist that is designed to raise or lower workers;

"mobile crane" means a crane mounted on a truck, wheel or crawler base that can move freely under the crane's own power without being restricted to a predetermined path;

"rated load" means the maximum load that may be lifted or lowered safely using a particular configuration under the conditions existing at the time of the lifting or lowering operation;

"tower crane" means a crane that is mounted on a tower and that can rotate about the axis of the tower;

"tower hoist" means a hoist with a tower that forms an integral part of the supporting structure and a load-carrying unit that travels between fixed guides.

31 Dec 2020 cS-15.1 Reg 10 s13-1.

Application of Part

13-2 This Part applies to hoists, cranes and lifting devices other than hoists, cranes and lifting devices that are governed by *The Passenger and Freight Elevator Act* or *The Mines Regulations*.

31 Dec 2020 cS-15.1 Reg 10 s13-2.

General requirements

13-3(1) An employer or contractor shall ensure that every hoist, crane and lifting device, including all rigging, used at a place of employment is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist, crane, lifting device or rigging is used.

(2) A supplier shall ensure that every hoist, crane and lifting device, including all rigging, supplied for use at a place of employment is designed, constructed, installed, maintained and operated to perform safely any task for which the hoist, crane, lifting device or rigging is intended to be used.

31 Dec 2020 cS-15.1 Reg 10 s13-3.

Adoption of standards

13-4(1) An employer or contractor shall ensure that all hoists, cranes and lifting devices manufactured on and after December 4, 1996 are constructed, inspected, tested, maintained and operated in accordance with an approved standard.

(2) A supplier shall ensure that all hoists, cranes and lifting devices manufactured on and after December 4, 1996 are constructed, inspected, tested and maintained in accordance with an approved standard.

31 Dec 2020 cS-15.1 Reg 10 s13-4.

Load ratings

13-5(1) An employer or contractor shall ensure that a hoist, crane or lifting device is provided with a durable and clearly legible indication of the load rating that is readily accessible to the operator at the control station.

(2) A supplier shall ensure that the indication of the load rating of a hoist, crane or lifting device contains:

(a) all appropriate load ratings for the hoist, crane or lifting device;

(b) any applicable warning that no allowance is made in the load ratings for such factors as the effects of swinging loads, tackle weight, wind, degree of machine level, ground conditions, inflation of tires and operating speeds; and

(c) any applicable restrictions to operating in low temperatures.

31 Dec 2020 cS-15.1 Reg 10 s13-5.

Designated operator

13-6(1) In this section:

"competent operator" means a worker who has successfully completed a training program that includes all of the elements set out in Table 13 of the Appendix for the crane that the worker will be required or permitted to operate or is completing the practical training required by Part II of Table 13 under the direct supervision of a competent operator or a qualified operator;

"qualified operator" means:

(a) the holder of a journeyman's certificate in the crane and hoist operator trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999*;

(b) the holder of a proficiency certificate in a subtrade of the crane and hoist operator trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999*;

(c) an apprentice in the crane and hoist operator trade who is working under the direction of a person described in clause (a) or (b); or

(d) any other worker who:

(i) has received training, and has experience, in the safe operation of a crane that, in the opinion of the director, is equivalent to or superior to the training and experience of a person mentioned in clause (a), (b) or (c); or

(ii) is a member of a category of workers whose training and experience in the safe operation of a crane, in the opinion of the director, is equivalent to or superior to the training and experience of a person mentioned in clause (a), (b) or (c).

(2) Subject to subsections (3), (4) and (5), an employer or contractor shall:

(a) designate a worker to operate a hoist, crane or lifting device;

(b) ensure that the designated operator is trained in the operation of that hoist, crane or lifting device; and

(c) ensure that no worker operates a hoist, crane or lifting device other than a designated operator.

(3) Subject to subsection (4) an employer or contractor shall ensure that the designated operator is a qualified operator if the crane to be operated is:

(a) a tower crane;

(b) an overhead travelling crane that has a load rating equal to or greater than 50 tonnes;

(c) a crane that is used to raise or lower a worker on a personnel-lifting unit suspended from a hoist line; or

(d) a mobile crane that has a load rating greater than 5 tonnes.

(4) Subsection (3) does not apply to a crane that is:

(a) mounted on a vehicle and used exclusively to load or unload that vehicle; or

(b) owned by an employer, operated by a worker in the service of that employer and used solely at that employer's place of employment to perform work exclusively for that employer.

(5) In any circumstances other than those described in subsection (3), an employer or contractor shall ensure that:

(a) for any crane with a load rating greater than or equal to 5 tonnes, the designated operator is a competent operator; and

(b) for any mobile or overhead travelling crane with a load rating less than 5 tonnes, the designated operator is a competent worker.

(6) No worker shall operate a hoist, crane or lifting device unless the worker is a designated operator and has been trained in the operation of that hoist, crane or lifting device.

(7) No worker shall operate a crane unless the worker:

(a) has written proof of training in the operation of any crane that the worker will be required or permitted to operate; and

(b) has that written proof of training readily accessible at all times while the worker is operating the crane.

31 Dec 2020 cS-15.1 Reg 10 s13-6.

Operating procedures

13-7(1) Subject to subsection (2), an employer or contractor shall ensure that:

(a) a copy of the manufacturer's operating manual for a hoist or crane is readily accessible to the operator; and

(b) an operator of a hoist or crane is thoroughly trained in and implements the manufacturer's recommended operating procedures.

(2) If the manufacturer's manual for a hoist or crane cannot be obtained, an employer or contractor shall develop an operating manual for the hoist or crane and ensure that:

(a) a copy of the operating manual is readily accessible to the operator; and

(b) an operator of the hoist or crane is thoroughly trained in and implements the operating procedures set out in the operating manual.

31 Dec 2020 cS-15.1 Reg 10 s13-7.

Rated load

13-8(1) An employer or contractor shall not require or permit the operator of a hoist, crane or lifting device to raise any load that is greater than the rated load determined by the manufacturer of the equipment or a professional engineer for the conditions in which the equipment is to be operated.

(2) An employer or contractor shall not require or permit the operator of a hoist, crane or lifting device to use the hoist, crane or lifting device to raise or lower workers unless the load applied to the hoist, crane or lifting device is less than one-half of the rated load as determined pursuant to subsection (1).

(3) An operator of a hoist, crane or lifting device shall not raise a load unless:

(a) the operator has determined the accurate weight of the load; and

(b) the load is less than the rated load for the operating conditions.

31 Dec 2020 cS-15.1 Reg 10 s13-8.

Raising and lowering workers

13-9(1) If a crane or hoist will be used to raise or lower workers, the employer or contractor shall:

(a) develop and implement work practices and procedures that will provide for the safe raising and lowering of the workers;

(b) train the workers in those work practices and procedures;

(c) ensure that the hoisting equipment and personnel lifting unit are inspected by a competent person before use and daily when in use; and

(d) ensure that the competent person records the details of the inspection in the log book.

(2) An employer or contractor shall not require or permit the operator of a crane or hoist to use the crane or hoist to raise or lower workers unless:

(a) the personnel lifting unit meets the requirements of subsection 12-25(1);

(b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment;

(c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment mentioned in clause (b);

(d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and

(e) workers in the personnel lifting unit use a full-body harness attached to the personnel lifting unit.

(3) An operator of a crane or hoist shall not use the crane or hoist to raise or lower workers unless:

(a) the personnel lifting unit meets the requirements of section 12-25;

(b) the suspension members of the personnel lifting unit are securely attached to the crane, hoist line or hook by a shackle, weldless link, ring or other secure rigging attachment;

(c) there is a secondary safety device that attaches the suspension members of the personnel lifting unit to the crane or hoist rigging above the point of attachment mentioned in clause (b);

(d) the load line hoist drum has a system or device on the power train, other than the load hoist brake, that regulates the lowering rate of speed of the hoist drum mechanism; and

(e) workers in the personnel lifting unit use fall-arrest protection attached to the personnel lifting unit.

31 Dec 2020 cS-15.1 Reg 10 s13-9.

Determining weight of load

13-10(1) An employer or contractor shall provide the operator of a hoist, crane or lifting device with all the information necessary to enable the operator to determine readily and accurately the weight of any load that the operator is required or permitted to raise.

(2) An employer or contractor shall provide a permanent load gauge for a mobile crane that may be used for load ratings of 9 tonnes or greater at the minimum operating radius.

(3) A permanent load gauge required by subsection (2) must measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.

(4) Subsection (2) does not apply to cranes that:

(a) use a device suspended by a wire rope to demolish a structure;

(b) use a magnet to raise or lower a load; or

(c) use a clam-style load carrier to move material.

(5) An employer or contractor shall not require or permit a worker to use a crane mentioned in subsection (2) unless the crane is equipped with a permanent load gauge that will measure the weight of any load being hoisted and instantaneously indicate that weight to the operator.

(6) An employer or contractor shall ensure that:

(a) a worker who is required or permitted to use a crane equipped with a permanent load gauge is trained in the safe use and limitations of the permanent load gauge; and

(b) the permanent load gauge is regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions.

31 Dec 2020 cS-15.1 Reg 10 s13-10.

Overload switches

13-11(1) An employer, contractor or supplier shall ensure that a tower crane is equipped with:

(a) both:

(i) an overload limit switch that causes the hoist drum to stop when the load being hoisted exceeds the maximum rated load for any radius or boom angle or when the overturning moment exceeds the rated load moment; and

(ii) a moment overload switch that automatically restricts the radius within which the load can travel; or

(b) a permanent load gauge.

(2) An employer or contractor shall not require or permit a worker to use a tower crane unless:

(a) the crane is equipped with the overload limit switch and moment overload switch required by clause (1)(a) or the permanent load gauge required by clause (1)(b);

(b) the worker is trained in the safe use and limitations of the overload limit switch and the moment overload switch or the permanent load gauge; and

(c) the overload limit switch and moment overload switch or the permanent load gauge are regularly inspected, maintained and calibrated in accordance with the manufacturer's instructions.

31 Dec 2020 cS-15.1 Reg 10 s13-11.

Designated signaller

13-12(1) An employer or contractor shall designate a signaller pursuant to section 9-21 if the operator of a hoist or crane does not have a clear, unobstructed view of any of the following throughout the whole range of movement of the load or hook:

(a) the pick-up point;

(b) the setting point and the load;

(c) the hook, if there is no load.

(2) Before a hoisting operation begins, an employer or contractor shall ensure that the operator of the hoist or crane reviews with the designated signaller the signals to be used.

(3) If a hand signal is to be used in connection with a hoist or crane, an employer or contractor shall ensure that the signal used is the signal that is appropriate for the activity to be carried out and that is set out in an approved standard.

(4) An operator of a hoist or crane and a designated signaller shall use the signal set out in the standard mentioned in subsection (3) that is appropriate for the activity to be carried out.

31 Dec 2020 cS-15.1 Reg 10 s13-12.

General requirements for cranes and hoists

13-13(1) An employer, contractor or supplier shall ensure that a crane is equipped with an effective warning device that can be readily activated by the operator and that is adequate to warn workers of the impending movement of the crane.

(2) An employer, contractor or supplier shall ensure that a crane that has a boom is equipped with:

(a) positive boom stops to prevent inadvertent movement of the boom;

(b) a boom stop limit device to prevent the boom from being drawn back beyond a predetermined safe boom angle identified by the manufacturer;

(c) a jib stop device to prevent the jib from being drawn back beyond the safe boom angle identified by the manufacturer, if a jib is attached to the boom; and

(d) a boom angle indicator that is clearly visible to the operator while seated at the control station.

(3) An employer, contractor or supplier shall ensure that a crane is equipped with an anti 2 block warning device if the crane will be used to hoist workers on a personnel lifting unit or if the crane is a hydraulic crane with a rated load of 9 tonnes or greater.

(4) An employer, contractor or supplier shall ensure that a hoist or crane that operates on rails, tracks or other guides is fitted with:

(a) a positive stop or limiting device installed on the hoist or crane or on the rails, tracks or other guides to prevent the hoist or crane from over-running safe limits or contacting other equipment that is on the same rail, track or other guide;

(b) sweepguards installed to prevent materials on the rail, track or other guide from causing dislodgment of the hoist or crane; and

(c) stops to prevent the crane or hoist from dropping more than 2.5 centimetres if the axle breaks.

(5) If a worker leaves a crane or hoist unattended or parked, an employer or contractor shall ensure that:

(a) the crane or hoist is stored in a manner that does not create a risk to any worker;

(b) the operating machinery is locked or rendered inoperative;

(c) the rigging and boom angle are secured; and

(d) a mobile crane is stored on level ground with the wheels locked or chocked.

31 Dec 2020 cS-15.1 Reg 10 s13-13.

Hoists, cranes with outriggers, etc.

13-14 If a hoist or crane is designed to be operated with outriggers or other stabilizing devices, an employer or contractor shall ensure that:

(a) the outriggers or other stabilizing devices:

(i) are used according to the manufacturer's instructions;

(ii) are set on a solid footing or pad; and

(iii) have their controls, if any, readily accessible to the operator and in a suitable position for safe operation;

(b) the area around the outriggers or other stabilizing devices is kept free of obstruction;

(c) there is a minimum clearance of at least 600 millimetres between any moving part of the crane and any obstacle near the base of the hoist or crane; and

(d) if there is a danger of a worker being trapped or crushed by any moving part of the crane when the crane swings, the area around the base of the crane is barricaded to restrict the entry of workers.

31 Dec 2020 cS-15.1 Reg 10 s13-14.

Operators' cabs on tower cranes

13-15 If an operator's cab is to be attached to the boom or jib of a tower crane, an employer, contractor or supplier shall ensure that the cab is designed, positioned and attached in accordance with the specifications of the manufacturer of the crane or a professional engineer.

31 Dec 2020 cS-15.1 Reg 10 s13-15.

Erecting and dismantling

13-16(1) Subject to subsection (4), an employer or contractor shall develop a written procedure for safely erecting and dismantling a hoist or crane.

(2) The written procedure required by subsection (1) must include the safe blocking of any mast, boom or jib and the number and qualifications of workers required to implement the procedure.

(3) An employer or contractor shall ensure that the erecting and dismantling of a hoist or crane is carried out in accordance with the written procedure required by subsection (1).

(4) An employer or contractor may use the manufacturer's instructions for erecting or dismantling a hoist or crane if the instructions contain the requirements set out in subsection (2).

31 Dec 2020 cS-15.1 Reg 10 s13-16.

Log book

13-17(1) An employer or contractor shall:

(a) provide a log book for each hoist and crane with a rated load greater than 5 tonnes and ensure that the log book is kept readily available;

(b) provide a copy of the log book to the operator on request;

(c) ensure that the hours of service of the hoist or crane and all details of any inspection, maintenance or calibration required by this Part are recorded in the log book;

(d) ensure that each entry required by clause (c) is signed by the person who performs the inspection, maintenance or calibration; and

(e) review and sign the log book on a regular basis.

(2) If the supplier of a hoist or crane provides a log book, an employer or contractor shall ensure that the information and signatures required by subsection (1) are recorded in the supplier's log book instead of the employer's or contractor's log book and that the supplier's log book is kept with the hoist or crane.

31 Dec 2020 cS-15.1 Reg 10 s13-17.

Inspections

13-18(1) An employer, contractor or supplier shall ensure that a hoist, crane or lifting device is inspected by a competent person to determine whether the hoist, crane or lifting device is in safe working condition:'

(a) before the hoist, crane or lifting device is used at the start of each work shift; and

(b) at regular intervals as recommended by the manufacturer.

(2) If a defect or unsafe condition that may create a hazard to a worker is found in a hoist, crane, lifting device or rigging, an employer, contractor or supplier shall:

(a) take steps immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(b) as soon as is reasonably practicable, repair any defect or correct any unsafe condition.

(3) An employer, contractor or supplier shall ensure that a mobile crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer every 2 years or 1,800 hours of operation, whichever comes first.

(4) An employer, contractor or supplier shall ensure that a tower crane is subjected to a thorough inspection, including non-destructive testing, under the supervision of a professional engineer:

(a) before erection at each site; and

(b) at subsequent intervals of 2,000 operating hours or 1 year, whichever occurs first.

(5) No worker shall operate a crane or cause a crane to be operated unless a copy of the results of the testing or inspection required by subsection (3) or (4) is readily available or is on site.

31 Dec 2020 cS-15.1 Reg 10 s13-18.

Repairs

13-19(1) If the inspection of a hoist, crane or lifting device reveals a condition that might render the equipment unsafe or incapable of raising the rated load mentioned in subsection 13-8(2), an employer, contractor or supplier shall not require or permit the use of the equipment until any necessary repairs are completed.

(2) An employer, contractor or supplier shall ensure that a structural repair or modification to a component of a hoist or crane is performed only under the direction and control of a professional engineer.

(3) Before a hoist or crane is used after a structural repair or modification, an employer, contractor or supplier shall ensure that:

(a) the equipment is tested under the direction of a professional engineer; and

(b) a professional engineer has determined the rated load of the repaired or modified hoist or crane and has certified that the hoist or crane is capable of safely raising the new rated load.

(4) If the rated load of a hoist or crane after repair or modification differs from the rated load before repair or modification, an employer, contractor or supplier shall ensure that a new indication of load rating is provided pursuant to section 13-5.

31 Dec 2020 cS-15.1 Reg 10 s13-19.

Friction type hoists

13-20 On a construction site, an employer or contractor shall ensure that no material is hoisted vertically by a rope driven by friction between the rope and a powered surge wheel or drum unless the hoist is equipped with:

(a) a safety device that will prevent a free fall of the load; and

(b) an emergency stop device.

31 Dec 2020 cS-15.1 Reg 10 s13-20.

Material hoists

13-21(1) If a material hoist is in use, an employer or contractor shall ensure that:

(a) no worker is required or permitted to ride on the hoist; and

(b) no load projects beyond the edges of the load-carrying unit.

(2) If the controls of a material hoist are not remote from the hoist, an employer or contractor shall ensure that an adequate overhead barrier is provided to protect the operator.

(3) An employer or contractor shall ensure that:

(a) the braking systems on a material hoist are capable of stopping 150% of the rated load mentioned in subsection 13-8(1) at the maximum speed;

(b) the area around the base of a material hoist is fenced or otherwise barricaded to prevent the entry of workers, and that no worker is required or permitted to enter that area except when the load-carrying unit is at the lowest level; and

(c) a landing gate is installed:

(i) on any landing served by the material hoist; and

(ii) not less than 600 nor more than 900 millimetres from the edge of the landing.

(4) An operator of a material hoist shall not:

(a) leave the controls while the load-carrying unit is in the raised position;

(b) operate the hoist while a landing gate is open; or

(c) move a load-carrying unit until the operator is informed by signal that the load-carrying unit can be moved safely.

(5) An employer or contractor shall ensure that:

(a) the operator of a material hoist and a designated signaller at a landing where loading or unloading is carried on are able to maintain visual or audible communication with each other at all times during loading or unloading; and

(b) a material hoist that is, or is designed to be, over 20 metres high is equipped with a signal system that will:

(i) allow voice communication between a worker at any landing and the operator; and

(ii) inform the operator of the landing from which a signal originates.

(6) An employer or contractor shall ensure that a power driven material hoist is equipped with a safety device that will stop and hold the load-carrying unit if the hoist rope or braking system fails.

31 Dec 2020 cS-15.1 Reg 10 s13-21.

Tower hoists

13-22(1) If a tower hoist is used, an employer or contractor shall ensure that:

(a) the pulley block is securely anchored and the ropes from the pulley to the hoisting engine are enclosed; and

(b) at each landing, the hoist is equipped with landing gates and devices that will prevent:

(i) movement of the load-carrying unit when a landing gate is open; and

(ii) opening of a landing gate when the load-carrying unit is not standing at that landing.

(2) If a tower hoist is not erected inside a structure, an employer or contractor shall ensure that the hoist:

(a) is enclosed on all sides except the landing side by solid walls or equally effective fencing from ground level to a height of not less than 2 metres; and

(b) is adequately braced or guyed to prevent sway or movement.

(3) If a tower hoist is erected inside a structure, an employer or contractor shall ensure that:

(a) the hoist is enclosed on all sides except the landing side at the ground level and at each floor level by solid walls or equally effective fencing from ground or floor level to a height of not less than 2 metres;

(b) each point of access to the hoist is conspicuously marked by a warning sign; and

(c) the hoist structure is adequately supported at vertical intervals not exceeding 6 metres.

31 Dec 2020 cS-15.1 Reg 10 s13-22.

Roofers' hoists

13-23(1) If a roofer's hoist is used, an employer or contractor shall ensure that:

(a) all counterweights on the hoist:

(i) are designed as an integral part of the hoist;

(ii) remain securely attached to the hoist at all times that hoisting is in progress; and

(iii) are designed to exert an opposing moment that is equal to at least 4 times the moment exerted by the maximum rated load; and

(b) any part or section of the hoist that may become disconnected is equipped with suitable locking devices.

(2) An employer or contractor shall not require or permit a worker to use roofing material as a counterweight on a roofer's hoist.

(3) An employer or contractor shall ensure that a roofer's hoist is used only to perform vertical lifts.

(4) An employer or contractor shall ensure that no worker is required or permitted to use a wooden gallows frame roofer's hoist.

31 Dec 2020 cS-15.1 Reg 10 s13-23.

Vehicle hoists

13-24(1) In this section, **"lock"** means to fix the controls of a hoist in one position by any mechanical means.

(2) An employer or contractor shall ensure that a pneumatic or hydraulic vehicle hoist is equipped with clearly marked controls that raise or lower the hoist only when a worker is applying pressure to the controls.

(3) An employer or contractor shall ensure that no worker is required or permitted:

(a) during raising or lowering of the hoist, to lock the controls mentioned in subsection (2); or

(b) to work or be under a raised vehicle or trailer unless the vehicle or trailer is supported by:

(i) a vehicle hoist that is designed to safely support the weight of the vehicle or trailer; or

(ii) substantial stands or blocks and, if necessary, wheel chocks.

(4) For the purposes of subclause (3)(b)(ii), jacks alone are not sufficient.

(5) An employer or contractor shall ensure that all pneumatic or hydraulic vehicle hoists are assembled, installed, operated and maintained according to the manufacturer's instructions.

31 Dec 2020 cS-15.1 Reg 10 s13-24.

Manually-operated hoists

13-25(1) An employer or contractor shall ensure that a manually-operated hoist purchased on or after January 1, 1997 is designed, constructed, installed, operated and maintained in accordance with an approved standard.

(2) An employer, contractor or supplier shall ensure that a manually-operated hoist is equipped with a spring actuated or weighted ratchet and pawl, load brake or other mechanism that will stop and hold the load at any height desired by the operator.

(3) An employer or contractor shall not require or permit a worker to work under a load raised by a manually-operated hoist unless the load is supported with adequate stands or blocks.

31 Dec 2020 cS-15.1 Reg 10 s13-25.

Winches

13-26(1) An employer or contractor shall inspect all manually-operated hoisting or winching equipment thoroughly at appropriate intervals to ensure that the manually-operated hoisting or winching equipment is capable of safe operation.

(2) Before a worker operates a winch on a vehicle, the worker shall ensure that the brakes are applied or other effective means are taken to prevent movement of the vehicle.

(3) A worker who operates a vehicle on which a winch is in use shall not move the vehicle until the winch operator has given a signal that the vehicle can be moved safely.

(4) An employer or contractor shall not require or permit a worker to cross over or under a winch cable between a winch and the load or to go underneath the load while a winch is in use.

31 Dec 2020 cS-15.1 Reg 10 s13-26.

A-frames and gin poles

13-27 An employer or contractor shall ensure that:

(a) no A-frame or gin pole is inclined more than 45° from the vertical;

(b) an A-frame or gin pole is restrained from uncontrolled lateral and vertical movement; and

(c) the sheave and the cable keeper of an A-frame or gin pole are attached securely enough to withstand any load to which the assembly may be subjected.

31 Dec 2020 cS-15.1 Reg 10 s13-27.

Pile-driving equipment

13-28(1) An employer or contractor shall ensure that:

(a) pile-driving equipment is operated, inspected and maintained according to the manufacturer's instructions; and

(b) any structural repairs or modifications to pile-driving equipment are made under the direction of a professional engineer and certified as safe by the professional engineer before the pile-driving equipment is put in service.

(2) If pile-driving equipment is used, an employer or contractor shall ensure that a brake band or clutch that is contaminated by oil or grease is dismantled and cleaned or replaced before further use.

(3) An employer or contractor shall ensure that:

(a) before a pile is placed in position for driving, the pile head is cut square and, in the case of a timber pile, cleaned free of debris, bark and splintered wood; and

(b) workers are adequately protected from injury that may be caused by the failure of a pile being driven.

(4) An employer or contractor shall not require or permit a worker who works with pile-driving equipment:

(a) to remain or ride on a load being moved;

(b) to work, stand or pass under a suspended load; or

(c) to be on the superstructure of the equipment or within range of a falling pile unless the worker is directly involved in the operation of hoisting piles.

(5) If a worker uses pile-driving equipment, an employer or contractor shall ensure that:

(a) a pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and

(b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile.

(6) If pile-driving equipment is fitted with pressure hammers, an employer, contractor or supplier shall ensure that the hoses are equipped with safety chains or safety ropes on the pressure side of the hose connections.

(7) An employer or contractor shall ensure that:

(a) crane booms used with vibratory hammers or vibratory pile extractors are inspected monthly by a competent person for structural defects; and

(b) any structural defects found pursuant to clause (a) are repaired under the direction of a professional engineer and certified as safe by the professional engineer before the booms are put back into service.

(8) An operator of pile-driving equipment shall ensure that:

(a) the pile hammer is securely chocked while the hammer is suspended and the equipment is not operating; and

(b) no pile is hoisted in the leads while a worker who is not directly involved in the operation is on the superstructure of the equipment or within range of a falling pile.

31 Dec 2020 cS-15.1 Reg 10 s13-28.

PART 14
Rigging

Definitions for Part

14-1 In this Part:

"pendant" means a fixed-length rope that forms part of a boom-suspension system;

"rigging" means any combination of rope, wire rope, cable, chain, sling, sheave, hook and associated fittings used in a hoisting operation.

31 Dec 2020 cS-15.1 Reg 10 s14-1.

General requirements

14-2 An employer or contractor shall ensure that:

(a) all rigging is assembled, used, maintained and dismantled under the supervision of a competent worker and in accordance with the manufacturer's specifications and instructions; and

(b) any worker who is required or permitted to assemble, use, maintain or dismantle rigging is trained in safe rigging practices.

31 Dec 2020 cS-15.1 Reg 10 s14-2.

Inspection

14-3 An employer or contractor shall ensure that all rigging and components of rigging are inspected thoroughly at appropriate intervals and visually inspected before use to ensure that the rigging and rigging components will safely perform the intended function of the rigging and rigging components.

31 Dec 2020 cS-15.1 Reg 10 s14-3.

Maximum loads

14-4(1) An employer or contractor shall ensure that no load is imposed on any rigging that is in excess of:

(a) 10% of the breaking strength of the weakest part of the rigging, in the case of rigging used to raise or lower workers; and

(b) 20% of the breaking strength of the weakest part of the rigging, in the case of any other rigging.

(2) Subject to subsection (3), an employer, contractor or supplier shall ensure that the maximum load that may be hoisted by any rigging, as determined by the manufacturer of the rigging or a professional engineer, is conspicuously marked on the rigging.

(3) If it is not practicable to conspicuously mark the maximum load on the rigging, an employer or contractor shall ensure that information about the maximum load that may be hoisted by the rigging is made readily available to the workers.

31 Dec 2020 cS-15.1 Reg 10 s14-4.

Slings

14-5(1) An employer or contractor shall ensure that a sling used to hoist a load and the sling's fittings and attachments are:

(a) suitable for the intended use of the sling, fittings and attachments;

(b) suitable for, and capable of, supporting the load being hoisted;

(c) arranged to prevent the load or any part of the load from slipping or falling;

(d) arranged to ensure that the load is equally divided among the slings, when more than 1 sling is used;

(e) capable of supporting:

(i) at least 10 times the load to which the sling, fittings and attachments may be subjected, if they are used to support a worker; and

(ii) at least 5 times the maximum load to which the sling, fittings and attachments may be subjected, in any other case; and

(f) guarded to prevent damage to the sling, if the sling may be applied over a sharp edge.

(2) An employer, contractor or supplier shall ensure that a sling:

(a) is clearly labelled to indicate the sling's maximum load or the sling's maximum load is made readily available to workers; and

(b) is not used if the sling has been or may be damaged.

31 Dec 2020 cS-15.1 Reg 10 s14-5.

Shackles

14-6(1) An employer or contractor shall ensure that no shackle is subjected to a load greater than the maximum load indicated on the shackle.

(2) An employer or contractor shall ensure that:

(a) all shackle pins are installed to prevent accidental withdrawal; and

(b) a bolt is never used in place of a properly fitted shackle pin.

31 Dec 2020 cS-15.1 Reg 10 s14-6.

Sheaves, spools and drums

14-7(1) An employer or contractor shall ensure that:

(a) the diameter of a sheave, spool or drum for wire rope is not less than the diameter specified by the manufacturer of the rope and the rope is the correct size for the sheave, spool or drum over which the rope passes;

(b) the grooving of a sheave is the correct size for the diameter of rope; and

(c) a block or sheave is constructed or installed so that the rope cannot leave the block or sheave groove.

(2) An employer or contractor shall ensure that:

(a) rope fastened to a winding drum is fastened securely;

(b) the number of full wraps of rope that remain on a winding drum corresponds to the manufacturer's recommendations; and

(c) if there are no manufacturer's recommendations, at least 5 full wraps of rope remain on a winding drum at all times.

31 Dec 2020 cS-15.1 Reg 10 s14-7.

Knots, wire rope clips

14-8(1) An employer or contractor shall ensure that:

(a) no knot or wire rope clip is used as a stopper on a rope or rope end that passes through a winding drum; and

(b) no knot is used to connect rigging hardware to a wire rope.

(2) An employer or contractor shall ensure that all wire rope clips are:

(a) made of drop-forged steel;

(b) installed according to the manufacturer's instructions; and

(c) inspected at frequent intervals to ensure the nuts are tight.

(3) If U-bolt clips are used to fasten wire rope, an employer or contractor shall ensure that:

(a) the U-bolt is installed so that the U section bears on the short or dead end of the rope and the saddle bears on the long or live end of the rope;

(b) the nuts are correctly torqued; and

(c) the number of clips and the amount of rope turn-back conform to the manufacturer's specifications and instructions.

(4) If double saddle or fist clips are used to fasten wire rope, an employer or contractor shall ensure that the clips are installed in numbers and with the amount of rope turn-back specified by the manufacturer.

(5) If double base clips are used to fasten wire rope, an employer or contractor shall ensure that the clips are at least 6 rope diameters in length.

31 Dec 2020 cS-15.1 Reg 10 s14-8.

Eye loops

14-9(1) An employer or contractor shall ensure that every eye loop used in a sling:

(a) is formed from:

(i) a flemish eye splice secured by a pressed steel ferrule; or

(ii) a steel wire loop secured by a cold-formed aluminum alloy ferrule; and

(b) is readily identifiable as being formed as described in clause (a).

(2) Except where otherwise specified by the manufacturer of the rope, an employer or contractor shall ensure that a suitable and properly sized thimble is inserted in an eye loop to increase the strength of the eye and decrease wear on the rope.

31 Dec 2020 cS-15.1 Reg 10 s14-9.

Hooks

14-10(1) If the dislodgment of a hook could injure a worker, an employer or contractor shall ensure that the hook is secured by a safety latch, mousing, shackle or other effective means, except if:

(a) skeleton steel is being hoisted or a similar operation is being performed while a sorting or grab hook is being used;

(b) power poles or telephone poles are being hoisted into place or removed using an approved S-hook;

(c) the design of the hook and the work practices used prevent dislodgement of the hook; or

(d) the health and safety of a worker disconnecting the hook would be placed at risk.

(2) An employer or contractor shall not require or permit a worker to use a hook if:

(a) the throat opening has been increased or the tip has been bent more than 10° out of plane from the hook body; or

(b) any dimension of the hook has been reduced by more than 10%.

(3) An employer or contractor shall not require or permit a worker to side load, back load or tip load a hook unless the hook has been specifically designed for that purpose.

(4) An employer, contractor or supplier shall ensure that:

(a) a hook is clearly labelled with the maximum load of the hook in a location where a worker using the hook can easily see the rating; or

(b) the hook's maximum load is made readily available to workers.

(5) An employer or contractor shall not require or permit a worker to allow a load to bear against a safety latch, mousing or shackle.

31 Dec 2020 cS-15.1 Reg 10 s14-10.

Wedge sockets

14-11 If a wedge socket is used to anchor a wire rope, an employer or contractor shall ensure that:

(a) the wedge socket is installed according to an approved method;

(b) the dead end of the wire rope extends at least 15 centimetres beyond the wedge socket; and

(c) the wire rope is fitted with a wire rope clip to prevent accidental release or loosening of the wedge.

31 Dec 2020 cS-15.1 Reg 10 s14-11.

Wire rope

14-12(1) An employer or contractor shall ensure that wire rope used in rigging:

(a) is the type, size, grade and construction recommended by the manufacturer of the hoisting equipment or is rope of an equivalent type, size, grade and construction;

(b) is compatible with the sheaves and the drum of the hoisting equipment;

(c) is lubricated to prevent corrosion and wear;

(d) is not spliced or knotted; and

(e) is fitted with end connections that:

(i) conform to the manufacturer's specifications and instructions concerning number, size and installation method; and

(ii) are securely fastened to the wire rope.

(2) An employer or contractor shall ensure that no wire rope used in rigging:

(a) subject to subsection (3), contains 6 or more randomly-distributed wires that are broken in 1 rope lay, or 3 or more wires that are broken in 1 strand in a rope lay;

(b) is worn by more than one-third of the original diameter of the wire rope's outside individual wires; or

(c) shows evidence of:

(i) kinking, bird-caging, corrosion or other damage resulting in distortion of the rope structure; or

(ii) damage that may result in rope failure.

(3) An employer or contractor shall ensure that no wire rope that is static or that is used for pendants has:

(a) 3 or more broken wires in 1 lay or in a section between end connectors; or

(b) 1 or more broken wires at an end connector.

(4) An employer or contractor shall ensure that rotation-resistant wire rope is not used:

(a) as a cable in boom hoist reeving and pendants; or

(b) if an inner wire or strand of the wire rope is damaged or broken.

(5) An employer or contractor shall ensure that no load is imposed on any wire rope that exceeds the maximum load recommended by the manufacturer of the wire rope.

31 Dec 2020 cS-15.1 Reg 10 s14-12.

Rotation or motion of load

14-13 If a worker may be endangered by the rotation or motion of a load during hoisting, an employer or contractor shall ensure that:

(a) 1 or more taglines are used to control the rotation or motion of the load;

(b) the taglines are of sufficient length to protect the workers from any overhead hazard;

(c) the taglines are not removed from the load until the load is securely landed; and

(d) only workers directly engaged in the hoisting operation are allowed to be in the area where the load is being hoisted or lowered.

31 Dec 2020 cS-15.1 Reg 10 s14-13.

PART 15
Robotics

Definitions for Part

15-1 In this Part:

"emergency stop" means a circuit that uses hardware-based components to override all other robot controls, shut off energy to a robot and stop all moving parts of a robot;

"end-effector" means an accessory device or tool specifically designed to be attached to a robot wrist or tool-mounting plate to enable the robot to perform the robot's intended task;

"interlock" means an arrangement whereby the operation of 1 control or mechanism brings about, or prevents, the operation of another control or mechanism;

"interlock barrier" means a physical barrier around a work envelope that is equipped with gates and interlocks designed to stop all automatic operations of a robot and robot system when any gate within the barrier is opened;

"limiting device" means a device that restricts the distance a robot can travel after the limiting device is actuated;

"pendant" means a portable control device that permits an operator to control a robot from within the work envelope of the robot;

"presence-sensing device" means a device that is designed, constructed and installed to create a sensing field or area and that detects an intrusion into the field or area by workers, robots or other objects and stops all motion of the robot when the presence-sensing device is activated;

"restricted work envelope" means the portion of a work envelope to which a robot is restricted by limiting devices that establish limits that cannot be exceeded if the robot or the robot's controls fail;

"robot" means a reprogrammable multi-functional manipulator designed to move material, parts, tools or specialized devices through variable programmed motions to perform a variety of tasks;

"robot system" means a robot and all the accessories required for the robot's operation, including end-effectors, pendants, devices, sensors, safeguards, power and control panels and communication interfaces to sequence and monitor the robot;

"slow speed" means a mode of operation in which the speed of any part of a robot does not exceed 250 millimetres per second;

"teach" means to generate and store a series of positional datapoints by moving a robot arm through a path of intended motions;

"work envelope" means the volume of space enclosing the maximum designed reach of a robot, including the end-effector, and the material, part, tool or specialized device that the robot is designed to manipulate.

31 Dec 2020 cS-15.1 Reg 10 s15-1.

Application of Part

15-2 This Part applies to the installation, operation, teaching and maintenance of robots and robot systems, but does not apply to personal robots, automatic guided vehicle systems, automated storage and retrieval systems, automatic conveyor and shuttle systems, mobile robots or numerically controlled machine tools.

31 Dec 2020 cS-15.1 Reg 10 s15-2.

Safe work practices and procedures

15-3(1) An employer, in consultation with the committee, the representative or, if there is no committee or representative, the workers, shall:

(a) assess the potential hazards to a worker who is required or permitted to install, operate, teach or maintain a robot or robot system at the place of employment; and

(b) develop written safe work practices and procedures for the installation, operation, teaching and maintenance of robots and robot systems.

(2) An employer shall ensure that the workers are trained in and implement the safe work practices and procedures developed pursuant to clause (1)(b).

31 Dec 2020 cS-15.1 Reg 10 s15-3.

General requirements

15-4 An employer shall ensure that robots and robot systems are:

(a) installed, anchored and wired in accordance with the manufacturer's recommendations and specifications; and

(b) compatible with conditions in the environment of the place of employment, including temperature, humidity, corrosive conditions, the presence of dust, the presence of electromagnetic interference or radiofrequency interference and other conditions that could affect the safe operation or control of the robot or robot system.

31 Dec 2020 cS-15.1 Reg 10 s15-4.

Safeguards

15-5(1) Subject to subsection 15-6(2) and sections 15-7 and 15-8, an employer shall ensure that every robot and robot system is equipped with safeguards:

(a) to prevent a worker from entering the restricted work envelope while the robot or robot system is in motion; or

(b) to inhibit robot motion while any part of a worker's body is within the restricted work envelope while the robot or robot system is in motion.

(2) The safeguards required by subsection (1):

(a) may include interlock barriers, limiting devices and presence-sensing devices; and

(b) must include clearly visible line markings on the floor on which the robot or robot system is mounted to identify the restricted work envelope.

31 Dec 2020 cS-15.1 Reg 10 s15-5.

Controls

15-6(1) Subject to subsection (2), an employer shall ensure that a robot's primary controls, including a restart control:

(a) are located outside the restricted work envelope;

(b) are arranged so that the robot and robot system are clearly visible to the worker who operates the primary controls; and

(c) cannot be activated inadvertently.

(2) If a worker is required or permitted to enter the restricted work envelope, an employer shall ensure that the robot's motion cannot be initiated by any person other than the worker within the restricted work envelope using a pendant.

(3) An employer shall ensure that a worker who operates a robot or robot system is provided with a readily accessible emergency stop device.

(4) An employer shall ensure that the controls of a robot provide a slow speed option.

31 Dec 2020 cS-15.1 Reg 10 s15-6.

Protection during maintenance or repair

15-7 Before a worker undertakes the maintenance or repair of a robot or robot system, an employer shall ensure that:

(a) the robot or robot system is locked out and remains locked out during that activity; or

(b) an equally effective procedure is implemented to protect the worker.

31 Dec 2020 cS-15.1 Reg 10 s15-7.

Protection during teaching

15-8 If a worker is required or permitted to teach a robot, an employer shall ensure that:

(a) only the worker who is teaching the robot is allowed to enter the restricted work envelope;

(b) the robot system is under the sole control of the worker who is teaching the robot;

(c) when the robot is under drive power, it operates at slow speed only or at a speed that is deliberately selected and maintained by the worker who is teaching the robot;

(d) the robot will not respond to a remote interlock or signal that would activate the robot; and

(e) the worker leaves the restricted work envelope before returning the robot to automatic operation.

31 Dec 2020 cS-15.1 Reg 10 s15-8.

PART 16
Entrances, Exits and Ladders

General duty re entrances, exits

16-1 An employer, contractor or owner shall provide and maintain a safe means of entrance to and exit from a place of employment and all worksites and work-related areas in or on a place of employment.

31 Dec 2020 cS-15.1 Reg 10 s16-1.

Doors

16-2 An employer, contractor or owner shall ensure that:

(a) every door in a hazardous work area opens away from the hazard and is not blocked by an obstruction; and

(b) every walk-in freezer or refrigerator is equipped with a means to open the door from the inside.

31 Dec 2020 cS-15.1 Reg 10 s16-2.

Travelways

16-3(1) An employer, contractor or owner shall ensure that every travelway:

(a) is strong enough to withstand any traffic to which the travelway may be subjected;

(b) has secure footing for workers and adequate traction for vehicles or equipment; and

(c) is at least:

(i) 600 millimetres wide, in the case of travelways installed before July 1, 1997; and

(ii) 900 millimetres wide, in the case of travelways installed on and after July 1, 1997.

(2) An employer, contractor or owner shall ensure that every travelway that may give rise to a hazard described in subsection 9-2(2) is provided with a guardrail.

31 Dec 2020 cS-15.1 Reg 10 s16-3.

Stairs

16-4 An employer, contractor or owner shall ensure that:

(a) the widths of treads, the depths of treads and the vertical distances between treads are uniform throughout the length of any stairway and that each tread is level; and

(b) any stairs installed on or after the day on which this section comes into force, including temporary stairs, are at least 600 millimetres wide.

31 Dec 2020 cS-15.1 Reg 10 s16-4.

Ladders

16-5(1) An employer, contractor or supplier shall ensure that every ladder is designed, constructed, used and maintained to perform its function safely.

(2) An employer, contractor or supplier shall ensure that:

(a) no wooden ladder or stepladder is painted with any substance other than a transparent coating; and

(b) no ladder is made by fastening cleats across a single rail or post.

31 Dec 2020 cS-15.1 Reg 10 s16-5.

Portable ladders

16-6(1) In this section and section 16-7, **"portable ladder"** means any ladder that is not fixed in place, and includes a stepladder.

(2) An employer or contractor shall ensure that:

(a) a portable ladder is equipped with non-slip feet;

(b) a portable ladder is secured against accidental movement during use;

(c) a metal or wire-bound portable ladder is not used where the ladder or a worker handling or using the ladder may come into contact with an exposed energized electrical conductor; and

(d) a portable ladder extends at least 1 metre above any platform, roof or other landing to which the ladder is used as a means of access.

(3) An employer or contractor shall ensure that each worker who handles or uses a portable ladder is instructed in the requirements of this section.

(4) An employer or contractor shall ensure that a stepladder:

(a) is not more than 6 metres high when set for use;

(b) has legs that are securely held in position by means of metal braces or an equivalent rigid support; and

(c) when in use, has a front section slope at an angle of 1 horizontal to 6 vertical.

(5) An employer or contractor shall ensure that:

(a) an extension ladder is equipped with locks that securely hold the sections of the ladder in the extended position;

(b) if a section of an extension ladder is extended, the section that is extended overlaps another section for at least 1 metre;

(c) an extension ladder consisting of 2 sections does not exceed 14.6 metres in length; and

(d) an extension ladder consisting of more than 2 sections does not exceed 20 metres in length.

(6) An employer or contractor shall ensure that no single portable ladder and no section of an extension ladder exceeds 9 metres in length.

31 Dec 2020 cS-15.1 Reg 10 s16-6.

Use of portable ladders

16-7(1) If a worker uses a portable ladder other than a stepladder, an employer or contractor shall ensure that:

(a) the ladder is placed against the structure so that the slope of the ladder is 1 horizontal to 4 vertical;

(b) the worker does not extend any part of the worker's body except for the worker's arms beyond the side rails of the ladder; and

(c) the worker maintains a three-point stance on the ladder at all times.

(2) An employer or contractor shall ensure that a worker does not work from either of the top 2 rungs or steps of a portable ladder, unless the ladder is a stepladder that has a platform equipped with a suitable handrail.

31 Dec 2020 cS-15.1 Reg 10 s16-7.

Fixed ladders

16-8(1) In this section, **"fixed ladder"** means a ladder that is fixed to a structure in a vertical position or at an angle that is between vertical and 25° to the vertical, but does not include a ladder used in underground mining operations to which *The Mines Regulations* apply.

(2) A ladder that is fixed to a structure at an angle of more than 25° to the vertical, or more than 1 horizontal to 2 vertical, is deemed to be a stairway and is subject to the requirements of sections 9-10 and 16-4.

(3) An employer, contractor or owner shall ensure that:

(a) the rungs on a fixed ladder are uniformly spaced with centres that are not less than 250 and not more than 300 millimetres apart;

(b) a clearance of at least 150 millimetres is maintained between the rungs on a fixed ladder and the structure to which the ladder is affixed;

(c) a fixed ladder is securely held in place at the top and bottom and at any intermediate points that are necessary to prevent sway;

(d) the side rails of a fixed ladder extend not less than 1 metre above any platform, roof or other landing on the structure to which the ladder is fixed;

(e) a ladder opening in a platform, roof or other landing does not exceed 750 millimetres by 750 millimetres;

(f) a fixed ladder that is more than 6 metres high:

(i) is equipped with:

(A) platforms at intervals of not more than 6 metres or ladder cages, in the case of ladders installed on or before March 11, 1986; or

(B) platforms at intervals of not more than 6 metres and ladder cages, in the case of ladders installed on or after March 12, 1986; or

(ii) is equipped with a personal fall arrest system that meets the requirements of Part 7; and

(g) a fixed ladder in an excavated shaft is installed in a compartment that is separated from the hoist compartment by a substantial partition.

(4) If a ladder cage is required by these regulations, an employer, contractor or owner shall ensure that:

(a) the ladder cage is constructed of hoops that are not more than 1.8 metres apart, joined by vertical members not more than 300 millimetres apart around the circumference of the hoop;

(b) no point on a hoop of the ladder cage is more than 750 millimetres from the ladder; and

(c) the ladder cage is of sufficient strength and is designed to contain any worker who may lean or fall against a hoop.

(5) In the case of a ladder cage constructed before July 1, 1997, an employer, contractor or owner shall ensure that:

(a) the lowest hoop of the ladder cage is not more than 3 metres from a platform, landing or the ground; and

(b) the uppermost hoop of the ladder cage is at the level of a platform, landing or roof.

(6) In the case of a ladder cage constructed on or after July 1, 1997, an employer, contractor or owner shall ensure that:

(a) the lowest hoop of the ladder cage is not more than 2.2 metres from a platform, landing or the ground; and

(b) the uppermost hoop of the ladder cage extends at least 1 metre above the level of a platform, landing or roof.

31 Dec 2020 cS-15.1 Reg 10 s16-8.

Construction ladders

16-9(1) In this section, **"construction ladder"** means a ladder constructed at a worksite.

(2) An employer or contractor shall ensure that:

(a) the side rails of a construction ladder that is 5 metres or less in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 by 89 millimetres or of material of equivalent strength and rigidity;

(b) the side rails of a construction ladder that is over 5 metres in length are constructed of number 1 structural grade spruce lumber that measures not less than 38 by 140 millimetres or of material of equivalent strength and rigidity;

(c) no construction ladder is more than 10 metres long;

(d) the rungs of a construction ladder are:

(i) constructed of number 1 structural grade spruce lumber that measures not less than 21 by 89 millimetres or of material of equivalent strength and rigidity;

(ii) supported by filler blocks or secured by a single continuous wire; and

(iii) uniformly spaced with not more than 300 millimetres between their centres;

(e) the width between the side rails of a construction ladder is at least 500 millimetres;

(f) every two-way construction ladder that permits traffic in both directions at the same time is not less than 1.2 metres wide and is constructed with a centre structural rail throughout the ladder's entire length; and

(g) no plywood is used for the side rails or rungs of a construction ladder.

31 Dec 2020 cS-15.1 Reg 10 s16-9.

PART 17
Excavations, Trenches, Tunnels and Excavated Shafts

Definitions for Part

17-1 In this Part:

"sheeting" means the members of a shoring system that retain the earth in position and, in turn, are supported by other members of the shoring system, and includes uprights placed so that individual members are closely spaced, in contact with or interconnected to each other;

"shoring" means an assembly of structural members designed to prevent earth or material from falling or sliding into an excavation;

"spoil pile" means material excavated from an excavation, trench, tunnel or excavated shaft;

"temporary protective structure" means a structure or device in an excavation, trench, tunnel or excavated shaft that is designed to provide protection from cave-ins, collapse, sliding or rolling materials, and includes shoring, boxes, trench shields and similar structures;

"type 1 soil" means soil that most closely exhibits the following characteristics:

(a) is hard in consistency, very dense in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of greater than 50 blows per 300 millimetres;

(b) can be penetrated only with difficulty by a small, sharp object;

(c) has a dry appearance;

(d) has no signs of water seepage;

(e) can be excavated only by mechanical equipment;

(f) does not include previously excavated soils;

"type 2 soil" means soil that most closely exhibits the following characteristics:

(a) is very stiff in consistency, dense in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of 30 to 50 blows per 300 millimetres;

(b) can be penetrated with moderate difficulty by a small, sharp object;

(c) is difficult to excavate with hand tools;

(d) has a low to medium natural moisture content and a damp appearance after it is excavated;

(e) has no signs of water seepage;

(f) does not include previously excavated soils;

"type 3 soil" means soil that:

(a) most closely exhibits the following characteristics:

(i) is stiff in consistency, compact in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of 10 to 29 blows per 300 millimetres;

(ii) can be penetrated with moderate ease by a small, sharp object;

(iii) is moderately difficult to excavate with hand tools;

(iv) exhibits signs of surface cracking;

(v) exhibits signs of localized water seepage; or

(b) is previously excavated soil that does not exhibit any of the characteristics of type 4 soil;

"type 4 soil" means soil that:

(a) exhibits any of the following characteristics:

(i) is firm to very soft in consistency, loose to very loose in compactive condition and, if a standard penetration test is performed, has a standard penetration resistance of less than 10 blows per 300 millimetres;

(ii) is easy to excavate with hand tools;

(iii) is cohesive soil that is sensitive and, on disturbance, is slightly reduced in internal strength;

(iv) is dry and runs easily into a well-defined conical pile;

(v) has a wet appearance and runs easily or flows;

(vi) is granular soil below the water table, unless the soil has been dewatered;

(vii) exerts substantial hydraulic pressure when a support system is used; or

(b) is previously excavated soil that exhibits any of the characteristics set out in subclauses (a)(i) to (vii);

"upright" means a vertical member of a shoring system that is placed in contact with the earth and usually positioned so that the vertical member does not contact any other vertical member;

"wale" means a horizontal member of a shoring system that is placed parallel to the excavation face and whose sides bear against the vertical members of the shoring system or the earth.

31 Dec 2020 cS-15.1 Reg 10 s17-1.

Application of Part

17-2 This Part applies to excavations, trenches, tunnels and excavated shafts other than excavations, trenches, tunnels and excavated shafts that are governed by *The Mines Regulations*.

31 Dec 2020 cS-15.1 Reg 10 s17-2.

Locating underground pipelines, etc.

17-3(1) An employer or contractor shall accurately establish the location of all underground pipelines, cables and conduits in an area where work is to be done and shall ensure that those locations are conspicuously marked:

(a) before commencing work using power tools or powered mobile equipment on an excavation, trench, tunnel, excavated shaft or borehole; or

(b) before breaking ground surface with any equipment to a depth that may contact underground utilities.

(2) If an operation is to be undertaken involving the disturbance of soil within 600 millimetres of an existing pipeline, cable or conduit, an employer or contractor shall ensure that the pipeline, cable or conduit is exposed by hand digging or other approved method before mechanical excavating is allowed to begin within that area.

(3) If an operation mentioned in subsection (2) exposes a pipeline, cable or conduit, an employer or contractor shall ensure that the pipeline, cable or conduit is supported to prevent any damage during backfilling and any subsequent settlement of the ground.

(4) If there is contact with or damage to an underground pipeline, cable or conduit, an employer or contractor shall immediately:

(a) notify the owner of the pipeline, cable or conduit that contact or damage has occurred; and

(b) take steps to protect the health and safety of any worker who may be at risk until any unsafe condition resulting from the contact or damage is repaired or corrected.

31 Dec 2020 cS-15.1 Reg 10 s17-3.

Excavating and trenching

17-4(1) An employer or contractor shall ensure that:

(a) before excavating or trenching begins, if the stability of a structure may be affected by an excavation or trench, the structure is supported by a temporary protective structure designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design;

(b) all loose material is scaled or trimmed from the side of an excavation or trench if a worker is required or permitted to be present;

(c) equipment, spoil piles, rocks and construction materials are kept at least 1 metre from the edge of an excavation or trench;

(d) an excavation or trench that a worker may be required or permitted to enter is kept free from any accumulation of water; and

(e) the slope of a spoil pile adjacent to an excavation or trench has a slope at an angle not steeper than 1 horizontal to 1 vertical, or 45° measured from the horizontal.

(2) Subject to subsections (3) and (4), if a wall of an excavation or trench is cut back, an employer or contractor shall ensure that:

(a) in the case of type 1 or type 2 soil, the walls are sloped to within 1.2 metres of the bottom of the excavation or trench, with a slope at an angle not steeper than 1 horizontal to 1 vertical, or 45° measured from the horizontal;

(b) in the case of type 3 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than 1 horizontal to 1 vertical, or 45° measured from the horizontal; and

(c) in the case of type 4 soil, the walls are sloped from the bottom of the excavation or trench, with a slope at an angle not steeper than 3 horizontal to 1 vertical, or 19° measured from the horizontal.

(3) If an excavation or trench contains more than 1 type of soil, the soil must be classified as the soil type with the highest number.

(4) Subsection (2) does not apply to an excavation or trench that is cut in sound and stable rock.

(5) If an excavation or trench is to be made in the vicinity of an overhead power line, an employer or contractor shall ensure that the work is carried out in a manner that will not reduce the original support provided for any overhead power line pole, unless permission has previously been obtained from the utility company responsible for the overhead power line.

(6) An employer or contractor shall ensure that no powered mobile equipment or vehicle is operated, and that no powered mobile equipment, vehicle or heavy load is located, near an excavation or trench so as to affect the stability of the walls of the excavation or trench.

31 Dec 2020 cS-15.1 Reg 10 s17-4.

Temporary protective structures

17-5(1) An employer or contractor shall ensure that a temporary protective structure to be used pursuant to this Part:

(a) is designed, constructed, installed, used, maintained and dismantled to provide adequate protection to a worker who is in an excavation, trench, tunnel, excavated shaft or borehole and to a worker who installs, uses, maintains or dismantles the temporary protective structure; and

(b) extends at least 300 millimetres above the wall of the excavation, trench, tunnel, excavated shaft or borehole to prevent material from falling in.

(2) An employer or contractor shall ensure that:

(a) all drawings and instructions necessary to safely construct, install, use, maintain and dismantle a temporary protective structure required pursuant to this Part are kept at the site of the excavation, trench, tunnel, excavated shaft or borehole; and

(b) if required by this Part, a professional engineer certifies that the temporary protective structure, if constructed and installed as drawn and used, maintained and dismantled as instructed, will provide adequate protection to a worker who constructs, installs, uses, maintains or dismantles the temporary protective structure.

(3) Freezing the ground by artificial means is acceptable as an alternative or partial alternative to installing a temporary protective structure in an excavation, trench, tunnel, excavated shaft or borehole if the freezing is:

(a) designed by a professional engineer to control the ground condition so as to ensure the safety of workers; and

(b) performed in accordance with the professional engineer's specifications and instructions.

(4) Natural freezing of the ground is not acceptable as an alternative or partial alternative to the installation of temporary protective structures.

31 Dec 2020 cS-15.1 Reg 10 s17-5.

Protection against cave-in of excavations

17-6(1) If a worker is present in an excavation that is more than 1.2 metres deep and is required to be closer to the wall or bank than the distance equal to the depth of the excavation, an employer or contractor shall ensure that the worker is protected from cave-ins or sliding material by:

(a) cutting back the upper portion of the walls of the excavation in accordance with subsection 17-4(2);

(b) installing a temporary protective structure; or

(c) a combination of cutting back the walls to the slope specified in subsection 17-4(2) and installing a temporary protective structure that extends at least 300 millimetres above the base of the cut-back.

(2) Subject to subsection (3), an employer or contractor shall ensure that a temporary protective structure required by clause (1)(b) or (c) is:

(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Table 14 of the Appendix for the type of soil and the depth of the excavation or made of material of equivalent or greater strength; or

(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.

(3) An employer or contractor shall ensure that a temporary protective structure in an excavation more than 3 metres deep is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.

31 Dec 2020 cS-15.1 Reg 10 s17-6.

Protection against cave-in of trenches

17-7(1) If a worker is present in a trench that is more than 1.2 metres deep, an employer or contractor shall ensure that the worker is protected from cave-ins or sliding material by:

(a) cutting back the upper portion of the walls of the trench in accordance with subsection 17-4(2);

(b) installing a temporary protective structure; or

(c) a combination of cutting back the walls to the slope specified in subsection 17-4(2) and installing a temporary protective structure that extends at least 300 millimetres above the base of the cut-back.

(2) An employer or contractor shall ensure that a temporary protective structure required by clause (1)(b) or (c) is:

(a) designed and installed using shoring made of number 1 structural grade spruce lumber having the dimensions set out in Table 14 of the Appendix for the type of soil and the depth of the trench or made of material of equivalent or greater strength; or

(b) designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design.

(3) An employer or contractor shall ensure that a temporary protective structure in a trench more than 6 metres deep in type 1, type 2 or type 3 soil or in a trench more than 4 metres deep in type 4 soil is designed and certified as safe by a professional engineer and installed, used, maintained and dismantled in accordance with that design.

(4) An employer or contractor shall ensure that:

(a) shoring is installed and removed in a manner that protects workers from cave-ins and structural collapses and from being struck by shoring components;

(b) shoring components are securely connected together to prevent sliding, falling, kickouts or other possible failure; and

(c) individual components of shoring are not subjected to loads that exceed the loads the components were designed to bear.

(5) If a worker is in a trench that is more than 1.2 metres deep, an employer or contractor shall ensure that a competent worker is stationed on the surface to alert the worker in the trench about the development of any potentially unsafe conditions and to provide assistance in an emergency.

(6) If a worker is required to enter a trench, an employer or contractor shall:

(a) install ladders, stairways or ramps to provide a safe means of entrance to and exit from the trench; and

(b) ensure that the ladder, stairway or ramp is located not more than 8 metres from a worker working in the trench.

(7) An employer or contractor shall ensure that workers are instructed in and comply with the requirements of this section.

31 Dec 2020 cS-15.1 Reg 10 s17-7.

Excavated shafts and tunnels

17-8(1) An employer or contractor shall ensure that:

(a) during excavating, the walls of an excavated shaft or tunnel are retained by temporary protective structures that are adequate:

(i) for the type of soil; and

(ii) to prevent collapse or cave-in of the walls of the excavated shaft or tunnel;

(b) during the excavating of an excavated shaft that is 3 metres or more deep or of a tunnel, the walls of the shaft or tunnel are retained by temporary protective structures designed and certified by a professional engineer to be adequate for the protection of workers in the shaft or tunnel and constructed, installed, used, maintained and dismantled in accordance with that design;

(c) a solid or wire mesh fence at least 1 metre high, or other equally effective means of preventing material from falling into an excavated shaft or the surface opening of a tunnel, is provided around that shaft or opening; and

(d) substantial gates that are not less than 1 metre high are installed in every opening in a fence provided pursuant to clause (c) and the gates are kept closed except when being used.

(2) A worker who opens a gate mentioned in clause (1)(d) shall close the gate after the worker no longer has a need to keep the gate open.

(3) An employer or contractor shall provide suitable equipment to keep a tunnel or excavated shaft free from any accumulation of water.

31 Dec 2020 cS-15.1 Reg 10 s17-8.

Boreholes, belled areas of excavated shafts

17-9(1) An employer or contractor shall ensure that:

(a) a worker who is required or permitted to enter a borehole is protected by the installation of a casing that is designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; and

(b) the casing mentioned in clause (a) extends and remains at least 300 millimetres above the surface of the ground to prevent material from falling into the casing.

(2) An employer or contractor shall not require or permit a worker:

(a) to enter the belled area of an excavated shaft unless the worker is protected by a temporary protective structure that is designed by a professional engineer and constructed, installed, used, maintained and dismantled in accordance with that design; or

(b) to remain in a belled area of an excavated shaft if the worker may be exposed to falling materials.

(3) An employer or contractor shall ensure that the worker precedes or accompanies each load of excavated material to the surface.

31 Dec 2020 c S-15.1 Reg 10 s17-9.

PART 18
Confined Space Entry

Definitions for Part

18-1 In this Part:

"confined space" means an enclosed or partially enclosed space that:

(a) is not primarily designed or intended for human occupancy, except for the purpose of performing work; and

(b) has restricted means of entrance and exit;

"hazardous confined space" means a confined space that is or may become hazardous to a worker entering the confined space due to:

(a) the design, construction or atmosphere of the confined space;

(b) the materials or substances in the confined space;

(c) the work activities or processes used in the confined space; or

(d) any other conditions relating to the confined space;

"isolate" means to physically interrupt or disconnect pipes, lines and sources of energy from a confined space.

31 Dec 2020 c S-15.1 Reg 10 s18-1.

Identification of confined spaces, hazards, etc.

18-2 If a worker may be required or permitted to work in a confined space, an employer, in consultation with the committee, shall identify:

(a) types of confined spaces at the place of employment that a worker may be required or permitted to enter;

(b) types of hazards that are or may be present at each confined space;

(c) alternative means to perform the work to be performed in a confined space that will not require the worker to enter the confined space; and

(d) alterations to the physical characteristics of the confined spaces that may be necessary to ensure safe entrance to and exit from all accessible parts of each confined space.

31 Dec 2020 c S-15.1 Reg 10 s18-2.

Avoidance of entry into hazardous confined space

18-3(1) If reasonably practicable, an employer shall use an alternative means to perform work that will not require a worker to enter a hazardous confined space.

(2) An employer shall take all reasonably practicable steps to prevent any unauthorized entry into the confined space.

31 Dec 2020 c S-15.1 Reg 10 s18-3.

Requirements before confined space is entered

18-4(1) If a worker will be required or permitted to work in a confined space, an employer, contractor or owner shall, before requiring or permitting the worker to enter the confined space:

(a) ensure that there is a safe entrance to and exit from all accessible parts of the confined space; and

(b) make all practicable alterations to the physical characteristics of the confined space necessary to ensure a safe entrance to and exit from all accessible parts of the confined space.

(2) In making alterations pursuant to clause (1)(b), an employer shall ensure that the structural integrity of the confined space is maintained.

31 Dec 2020 c S-15.1 Reg 10 s18-4.

Requirements before hazardous confined space is entered

18-5(1) Before a worker is required or permitted to enter a confined space, an employer shall appoint a competent person:

(a) to assess the hazards;

(b) if a hazardous atmosphere has been identified, to test the atmosphere of the confined space for:

(i) oxygen enrichment or deficiency;

(ii) the presence of flammable or explosive substances; and

(iii) the presence and hazardous concentration of airborne chemical substances; and

(c) to determine whether:

(i) work activities or processes will result in the release of toxic, flammable or explosive concentrations of any substances during the worker's occupation of the confined space;

(ii) measures have been taken to ensure that a worker will not drown or become entrapped in any liquid or free-flowing solid present in the confined space;

(iii) the entry of any liquid, free-flowing solid or hazardous substance into the confined space in a quantity that could endanger the health or safety of the worker has been prevented;

(iv) all energy sources that present a hazard to a worker entering into, exiting from or occupying the confined space have been locked out, with the energy sources being put in a zero energy state;

(v) any hazards from biological substances are present in the confined space; and

(vi) the opening for entry into and exit from the confined space is sufficient to allow safe passage of a worker who is using personal protective equipment required by these regulations.

(2) When testing the atmosphere of a confined space pursuant to clause (1)(b), a competent person shall use appropriate and properly calibrated instruments that have been tested to ensure that the instruments are capable of operating safely and effectively.

(3) A competent person who carries out the activities described in clauses (1)(a) to (c) shall prepare a report in writing that sets out:

(a) the results of the assessment, tests and determinations;

(b) recommended special precautions and procedures to reduce the risk to a worker that are to be followed by a worker entering into, exiting from or occupying the confined space; and

(c) recommended personal protective equipment to be used by a worker entering the confined space.

31 Dec 2020 c S-15.1 Reg 10 s18-5.

Notice if no hazard found

18-6 If a confined space is not identified as a hazardous confined space, an employer shall:

(a) notify a worker who is required to enter the confined space verifying that the confined space is not hazardous;

(b) arrange for a method of communication with a worker on entry to and exit from the confined space and at appropriate intervals while a worker is in the confined space;

(c) prepare a procedure for the removal of a worker who has become injured or incapacitated while in the confined space; and

(d) ensure that the ventilation in the confined space is adequate to maintain safe atmospheric conditions.

31 Dec 2020 cS-15.1 Reg 10 s18-6.

Entry plan

18-7(1) If a worker will be required or permitted to enter a hazardous confined space, an employer, in consultation with the committee, shall develop a hazardous confined space entry plan to ensure the health and safety of workers who enter or work in the hazardous confined space.

(2) A hazardous confined space entry plan must be in writing and must include:

(a) the tests or measurements necessary to monitor any oxygen deficiency or enrichment or the presence and hazardous concentration of flammable or explosive substances;

(b) the identification of any other hazards that may be present in the hazardous confined space and may put the health or safety of workers at risk;

(c) the means, if any, of isolating the hazardous confined space;

(d) the means, if any, of ventilating the hazardous confined space;

(e) the procedures to enter, work in and exit from the hazardous confined space safely;

(f) the availability, location and proper use of personal protective equipment;

(g) the rescue procedures to be followed, including the number and duties of personnel and the availability, location and proper use of equipment;

(h) the means to maintain effective communication with a worker who has entered the hazardous confined space; and

(i) the availability, location and proper use of any other equipment that a worker may need to work safely in the hazardous confined space.

(3) An employer shall ensure that the following workers are trained in and implement a hazardous confined space entry plan:

(a) a worker who is required or permitted to enter the hazardous confined space;

(b) a worker who attends a worker in the hazardous confined space pursuant to subsection 18-9(4) or (5);

(c) a worker who may be required or permitted to implement the rescue procedures mentioned in clause (2)(g).

(4) An employer shall make a copy of a hazardous confined space entry plan readily available at the entrance to the hazardous confined space.

31 Dec 2020 cS-15.1 Reg 10 s18-7.

Purging and ventilating of unsafe atmosphere

18-8(1) In addition to the requirements of section 25-11, if a concentration of a toxic, flammable or explosive substance is present or an oxygen enrichment or deficiency exists in a hazardous confined space, an employer shall ensure that the hazardous confined space is:

(a) purged and ventilated before a worker is allowed to enter the space, so that:

(i) any hazard associated with a toxic, flammable or explosive substance is reduced to the extent that is possible or eliminated; and

(ii) an oxygen content of not less than 19.5% and not more than 23% is ensured; and

(b) continuously ventilated at all times during which the worker occupies the hazardous confined space, to maintain a safe atmosphere.

(2) If ventilation is used to reduce or eliminate a hazard pursuant to subsection (1), an employer shall ensure that a competent person tests the atmosphere to determine that the confined space is safe for entry by a worker:

(a) before a worker enters the confined space;

(b) if all workers have vacated the confined space, before any worker re-enters the confined space;

(c) on the request of a worker who is required or permitted to enter the confined space; and

(d) continuously if any condition in the confined space may change and put the worker's health or safety at risk.

31 Dec 2020 cS-15.1 Reg 10 s18-8.

Precautions if safe atmosphere not possible

18-9(1) If a hazardous confined space cannot be purged and ventilated to provide a safe atmosphere or a safe atmosphere cannot be maintained pursuant to section 18-8, an employer shall ensure that no work is carried on in the confined space except in accordance with the requirements of this section and section 25-11.

(2) An employer shall ensure that a competent person continuously monitors the atmosphere in a hazardous confined space.

(3) An employer shall ensure that a worker is provided with and required to use a respiratory protective device that meets the requirements of Part 7 if:

(a) the airborne concentration for any substance meets or exceeds the permissible contamination limit mentioned in clause 21-6(1)(a);

(b) oxygen deficiency or enrichment is detected; or

(c) the airborne concentration of any other substance may be harmful to the worker.

(4) An employer shall ensure that a worker in a hazardous confined space is attended by and in communication with another worker who:

(a) has been adequately trained in the rescue procedures mentioned in clause 18-7(2)(g);

(b) is stationed and remains at the entrance to the confined space unless replaced by another adequately trained worker; and

(c) is equipped with a suitable alarm to summon assistance.

(5) If entrance to a hazardous confined space is from the top:

(a) an employer shall ensure that:

(i) a worker uses a full-body harness and, if appropriate, is attached to a lifeline;

(ii) if a lifeline is used, the lifeline is attended by another worker who is adequately trained in the rescue procedures mentioned in clause 18-7(2)(g); and

(iii) if reasonably practicable, a mechanical lifting device is available to assist with a rescue and is located at the entry to the confined space while a worker is in the confined space; or

(b) an employer shall ensure that an alternate method of rescue is developed and implemented if the use of a full-body harness or lifeline would create an additional hazard.

(6) If any flammable or explosive dusts, gases, vapours or liquids are or may be present in a hazardous confined space, an employer shall ensure that all sources of ignition are eliminated or controlled.

(7) An employer shall ensure that:

(a) equipment necessary to rescue workers is readily available at the entrance to the hazardous confined space and used in accordance with the rescue procedures developed pursuant to clause 18-7(2)(g);

(b) the holder of a class A qualification in first aid is available to provide immediate first aid; and

(c) personnel who are trained in the rescue procedures developed pursuant to clause 18-7(2)(g) and who are fully informed of the hazards in the confined space are readily available to assist in a rescue procedure.

31 Dec 2020 cS-15.1 Reg 10 s18-9.

Piping discharging hazardous substances

18-10(1) If a worker may be required or permitted to work in a confined space into which piping may discharge a hazardous substance, an employer shall ensure that the piping:

(a) has a blank installed that is sized for the proper pressure in the piping before the piping enters the confined space;

(b) is equipped with 2 blocking valves and a bleed-off valve installed between the blocking valves located so that any bleed off does not contaminate the confined space; or

(c) is equipped with an approved safety device.

(2) If piping is equipped with 2 blocking valves and a bleed-off valve pursuant to clause (1)(b) or an approved safety device pursuant to clause (1)(c), an employer shall ensure that:

(a) the valves in the flow lines are locked out in the "closed" position and the bleed-off valve is locked out in the "open" position;

(b) the valves are tagged to indicate that the valves must not be activated until the tags have been removed by a worker designated by the employer for that purpose; and

(c) the worker designated pursuant to clause (b):

(i) monitors the valves to ensure that they are not activated while a worker is in the confined space; and

(ii) records on the tag mentioned in clause (b) the date and time of each monitoring and signs the tag each time the worker monitors the valves.

31 Dec 2020 cS-15.1 Reg 10 s18-10.

PART 19
Work in Compressed Air

Definitions for Part

19-1 In this Part:

"air lock" means a chamber designed for the passage of persons or materials from one place to a place with a different air pressure;

"compressed air" means air that is mechanically raised to a pressure higher than 15 kilopascals above atmospheric pressure;

"medical lock" means a chamber in which persons may be subjected to changes in air pressure for medical purposes;

"working chamber" means the part of a project under construction that is used for work in compressed air, but does not include an air lock or medical lock.

31 Dec 2020 cS-15.1 Reg 10 s19-1.

Application of Part

19-2 This Part applies to work performed in compressed air, but does not apply to divers or persons working in diving bells.

31 Dec 2020 cS-15.1 Reg 10 s19-2.

Before work in compressed air begins

19-3(1) At least 30 days before beginning work in compressed air, an employer or contractor shall:

(a) give notice in writing to the ministry of the nature and location of the work; and

(b) provide the ministry with copies of the certificates of a professional engineer who is competent in construction work carried out in compressed air and a physician who is competent in hyperbaric medicine.

(2) The certificates required by subsection (1) must:

(a) certify that the design of the compressed air installation and its components, including any air lock, medical lock, bulkhead, door and working chamber, the air supply system, the control system and the emergency facilities, are suitable and adequate to provide a healthy and safe work environment; and

(b) contain a statement of conditions and procedures that are necessary to ensure the health and safety of workers employed in the compressed air installation.

(3) An employer or contractor shall ensure that any work in a compressed air installation is performed in accordance with the conditions and procedures contained in the certificates required by subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s19-3.

Workers in working chamber

19-4(1) If workers are employed in a working chamber, an employer or contractor shall ensure that:

(a) emergency procedures, including decompression procedures, have been developed that are adequate to prevent worker ill health;

(b) the workers are fully trained in the emergency procedures required by clause (a);

(c) the workers are regularly monitored by a physician; and

(d) a competent supervisor is appointed and given the authority and resources necessary to protect the health and safety of workers in the working chamber.

(2) A worker who is monitored by a physician pursuant to clause (1)(c) shall comply with any requirement that the physician considers necessary to prevent or treat ill health caused by working in compressed air.

(3) An employer or contractor shall ensure that the emergency procedures required by clause (1)(a) are implemented in an emergency.

31 Dec 2020 cS-15.1 Reg 10 s19-4.

Standards for air

19-5 An employer or contractor shall ensure that:

(a) the air supplied by a compressor plant for use in a working chamber, air lock or medical lock meets the requirements of the Canadian Standards Association standard CAN3-Z180.1-M85 *Compressed Breathing Air and Systems*;

(b) the air intake for a compressor plant that supplies air to a working chamber, an air lock or a medical lock is located so as to prevent the entry of exhaust gases from internal combustion engines, gasoline fumes or other contaminants; and

(c) the air supplied to a working chamber, air lock or medical lock is kept, as far as is practicable, between 10° and 27° Celsius.

31 Dec 2020 c S-15.1 Reg 10 s19-5.

Maximum air pressure

19-6 An employer or contractor shall ensure that the air pressure in a working chamber does not exceed 350 kilopascals for more than 5 minutes except when it is necessary for the safety of workers in an emergency.

31 Dec 2020 c S-15.1 Reg 10 s19-6.

Working periods and rest periods

19-7(1) In this section:

"column" means a column in Table 15 of the Appendix;

"rest period" means a period during a worker's hours of work that immediately follows a working period and in which the worker is at normal atmospheric pressure, and may include time spent by the worker in an air lock after a working period;

"working day" means a period of 24 consecutive hours;

"working period" means a period in which a worker works in compressed air.

(2) An employer or contractor shall ensure that:

(a) a worker who works in compressed air is not required or permitted to work more than 2 working periods in 1 working day;

(b) the total number of hours in the 2 working periods of a worker's working day does not exceed the number of hours set out in column 2;

(c) a worker's first working period in a working day does not exceed the number of hours set out in column 3;

(d) after the first working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 4;

(e) a worker's second working period in a working day does not exceed the number of hours set out in column 5; and

(f) after the second working period in a working day, a worker receives a rest period that is not less than the number of hours set out in column 6.

(3) An employer or contractor shall ensure that no worker is required or permitted to perform manual work, engage in physical exertion or leave the worksite during a rest period.

31 Dec 2020 c S-15.1 Reg 10 s19-7.

PART 20
Diving Operations

Definitions for Part

20-1 In this Part:

"air" means respirable air;

"atmospheric pressure" means the atmospheric pressure at the surface of the water;

"bail-out system" means an independent breathing gas supply of sufficient quantity to return a diver to the surface, to a diving bell or to an emergency supply in the event of a malfunction of the primary breathing gas supply system;

"bottom time" means the total elapsed time, measured in minutes, from the time a descending diver leaves the surface of the water to the time the diver begins final ascent;

"breathing gas" means air or mixed gas;

"buddy system" means the system described in section 20-16;

"class A hyperbaric chamber" means a hyperbaric chamber that meets the requirements of Canadian Standards Association standard Z275.1-93 *Hyperbaric Facilities* for a class A hyperbaric chamber;

"decompression limit" means the point in the descent of a diver, based on the depth and duration of the dive and determined in accordance with a decompression table, beyond which the diver will require 1 or more decompression stops during ascent if the diver descends further;

"decompression schedule" means the procedure derived from a decompression table that a diver follows during ascent from a depth in order to minimize the risk of decompression sickness;

"decompression sickness" means a condition caused by the formation of gas bubbles in the blood or body tissue as a result of the reduction of pressure on the body;

"decompression table" means a table mentioned in section 20-3;

"dive site" means the location at the surface of the water at which a diver enters the water at the beginning of a dive and to which the diver intends to return on ascent;

"diver" means a competent worker or competent self-employed person who performs underwater work;

"diver's tender" means a worker who monitors the dive of a diver and who is competent in the diving apparatus being used for a dive, the diving operation in progress and the emergency diving procedures and signals to be used between diver and diver's tender;

"diving supervisor" means a competent person who has complete responsibility for a diving operation, including responsibility for the health and safety of all diving personnel;

"dressed-in" means fully equipped to dive and ready to enter the water, with all life support and communications equipment tested and at hand, but not necessarily with the helmet, face plate or face mask in place;

"free swimming diving" means diving while using scuba with the diver supervised but not tethered to the surface by a lifeline or float;

"hyperbaric chamber" means a pressure vessel and associated equipment that are designed for the purpose of subjecting persons to pressures greater than atmospheric pressures;

"lifeline" means a line of manila rope that is 19 millimetres in diameter and has a breaking strength of not less than 2454 kilograms, or material of equivalent or greater strength, secured at the surface to a substantial anchorage;

"mixed gas" means a respirable breathing mixture, other than air, that provides adequate oxygen to support life and does not cause excessive breathing resistance, impairment of neurological functions or other detrimental physiological effects;

"scuba" means a self-contained underwater breathing apparatus, and includes self-contained open-circuit compressed air breathing apparatus;

"standby diver" means a diver who is:

(a) available at a dive site to give assistance to a submerged diver in the event of an emergency;

(b) dressed-in; and

(c) trained and equipped to operate at the depths and in the circumstances in which the submerged diver is operating;

"surface supply diving" means a mode of diving in which a diver is supplied from the dive site with a breathing gas by way of an umbilical;

"therapeutic recompression" means treatment of a diver for decompression sickness, usually in a hyperbaric chamber, in accordance with section 20-3;

"umbilical" means a life support hose bundle comprising a composite hose and cable, or separate hoses and cables, that:

(a) extends from the surface to a diver or to a submersible chamber occupied by a diver; and

(b) supplies breathing gas, power, heat and communication to the diver.

31 Dec 2020 c S-15.1 Reg 10 s20-1.

Competent workers

20-2 An employer shall ensure that only competent workers are required or permitted to perform underwater diving operations.

31 Dec 2020 c S-15.1 Reg 10 s20-2.

Standards

20-3 An employer shall ensure that all diving operations, repetitive dives and treatments of divers are carried out in strict accordance with decompression tables and procedures published or approved by the Defence and Civil Institute of Environmental Medicine (Canada) or another approved agency.

31 Dec 2020 cS-15.1 Reg 10 s20-3.

Medical examination

20-4(1) A diver must have a comprehensive medical examination conducted by a physician at least once every 12 months in accordance with the criteria set forth in Appendices A and B of Canadian Standards Association standard CAN/CSA-Z275.2-92 *Occupational Safety Code for Diving Operations*.

(2) No diver shall dive unless the diver has been certified by the physician mentioned in subsection (1) to be free of any medical condition that would make unsafe the performance of the type of dive to be carried out.

(3) A diver shall:

(a) provide the employer with a copy of the certificate mentioned in subsection (2); and

(b) place the original certificate in the diver's personal log kept pursuant to section 20-15.

(4) An employer shall:

(a) ensure that no diver is required or permitted to dive unless the diver provides the employer with a copy of the certificate mentioned in subsection (2) that has been obtained within the preceding 12 months;

(b) retain the copy of the certificate mentioned in clause (a) while the diver is employed by the employer; and

(c) ensure that every diver employed by the employer is competent in the use of any diving apparatus that the diver will be required to use in a diving operation.

31 Dec 2020 cS-15.1 Reg 10 s20-4.

Diving supervisor

20-5 An employer shall:

(a) ensure that a diving operation is conducted under the direction of a diving supervisor; and

(b) give to the diving supervisor all the information and resources necessary to protect the health and safety of every diver under the supervisor's direction.

31 Dec 2020 cS-15.1 Reg 10 s20-5.

Minimum crew

20-6 An employer shall ensure that a sufficient number of workers are present for a diving operation to ensure that the operation can be undertaken safely.

31 Dec 2020 cS-15.1 Reg 10 s20-6.

Standby diver

20-7(1) An employer shall ensure that a standby diver is present at all times when diving operations are in progress.

(2) An employer shall not require or permit a standby diver to dive except in the case of emergency.

31 Dec 2020 cS-15.1 Reg 10 s20-7.

Diver's tender

20-8 An employer shall ensure that:

(a) a diver's tender acceptable to the diver is provided for each diver in the water during a diving operation; and

(b) the diver's tender devotes the diver tender's whole time and undivided attention to the work as a diver's tender.

31 Dec 2020 cS-15.1 Reg 10 s20-8.

Breathing gas

20-9(1) Subject to subsection (2), if air is used as the breathing gas, an employer shall ensure that:

(a) the air is clean and wholesome and supplied in adequate quantity; and

(b) a reserve supply of 2.5 times the air required for the operation is supplied.

(2) An employer shall ensure that any air or mixed gas used as the breathing gas meets the approved standard for composition and purity requirements.

(3) If a mixed gas is used as the breathing gas, an employer shall ensure that the decompression procedures, schedules and tables used are appropriate for the mixed gas.

31 Dec 2020 cS-15.1 Reg 10 s20-9.

Diving equipment

20-10 An employer shall ensure that all diving equipment, including breathing apparatus, compressor, compressed gas cylinder, gas control valve, pressure gauge, reserve supply device, piping, helmet, winch, cable, diving bell or stage and every other accessory necessary for the safe conduct of the diving operation, is:

(a) of an approved design, sound construction, adequate strength and free from obvious defect;

(b) maintained in a condition that will ensure the equipment's continuing operating integrity and suitability for the equipment's use;

(c) adequately protected against malfunction at low temperatures that may be caused by ambient air or water or by the expansion of gas; and

(d) examined, tested, overhauled and repaired in accordance with the manufacturer's recommended procedure.

31 Dec 2020 cS-15.1 Reg 10 s20-10.

Equipment for diving base

20-11 While diving is in progress, an employer shall ensure that the diving base is equipped with the following:

(a) if scuba is being used, 1 complete spare set of underwater breathing apparatus with fully charged cylinders to be used for emergency purposes only;

(b) an adequate quantity of oxygen for therapeutic purposes;

(c) 1 shot-line of weighted 19 millimetre manila of sufficient length to reach the bottom at the maximum depth of water at the dive site;

(d) a first aid kit that is appropriate for the number of workers and the worksite;

(e) 1 complete set of decompression tables;

(f) a suitable heated facility for the use of divers that is located on or as near as possible to the dive site;

(g) any other equipment that may be necessary to protect the health and safety of a worker.

31 Dec 2020 cS-15.1 Reg 10 s20-11.

Hyperbaric chamber

20-12 An employer shall ensure that a class A hyperbaric chamber in operable condition is on site if:

(a) a dive is planned that may exceed the decompression limit; or

(b) the depth of a dive is greater than 40 metres.

31 Dec 2020 cS-15.1 Reg 10 s20-12.

Diving plan

20-13(1) A diving supervisor shall submit a general diving plan in writing to the employer before beginning a diving operation.

(2) A diving supervisor shall:

(a) plan the dive to ensure the health and safety of the diver;

(b) instruct the surface crew on the procedures necessary to ensure the health and safety of the diver;

(c) ensure that all necessary equipment is available and is in good operating condition;

(d) ensure that the quantity of breathing gas supplied to a diver is sufficient for the dive that is planned;

(e) develop and implement a contingency plan for any emergency situation that may endanger the diver;

(f) keep a log showing each diver's activities on each day and make entries respecting each dive on the day on which the dive is performed;

(g) remain in the immediate area of the dive site at all times while a diving operation is in progress;

(h) ensure that each diver enters in the diver's personal log the information required by clause 20-15(2)(a) for each dive performed by the diver; and

(i) verify the accuracy of the information recorded in each diver's personal log pursuant to clause 20-15(2)(a) and sign the entry to acknowledge the supervisor's verification.

(3) Nothing in this section limits the responsibilities of an employer pursuant to this Part.

31 Dec 2020 cS-15.1 Reg 10 s20-13.

General responsibilities of diver

20-14 A diver shall:

(a) proceed in accordance with the general diving plan and the instructions of the diving supervisor;

(b) inspect the diver's equipment immediately before each dive; and

(c) begin each dive by submerging and checking all equipment to ensure that there are no leaks and that the equipment is functioning properly.

31 Dec 2020 cS-15.1 Reg 10 s20-14.

Diver's personal log

20-15(1) A diver shall keep a personal log and retain the log for a 5-year period after the log's completion.

(2) A diver shall record in the personal log in chronological order:

(a) an entry for each dive that the diver has made, verified and signed by the diving supervisor, including the following information:

(i) the type of breathing apparatus used;

(ii) the breathing gas used;

(iii) the time at which the diver left the surface;

(iv) the bottom time;

(v) the maximum depth reached;

(vi) the time at which the diver left the bottom;

(vii) the time at which the diver reached the surface;

(viii) the surface interval, if more than 1 dive is undertaken in a day;

(ix) the decompression table and schedule used;

(x) the date of the dive;

(xi) any observations relevant to the health or safety of the diver arising from the dive;

(xii) the name of the employer; and

(b) an entry, signed by the attending physician or diving supervisor, respecting any therapeutic recompression or other exposure to a hyperbaric environment.

31 Dec 2020 cS-15.1 Reg 10 s20-15.

Buddy system

20-16(1) The buddy system of diving involves the use of 2 divers, each of whom is responsible for the other diver's safety.

(2) A diver who is diving using the buddy system:

(a) shall maintain constant visual contact with the other buddy diver during the dive;

(b) shall know the hand signals being used and acknowledge each signal as given;

(c) shall not leave the other buddy diver except in the case of emergency requiring the assistance of 1 of the buddy divers; and

(d) shall abort the dive immediately if the buddy divers become separated from each other or the other buddy diver aborts the dive.

31 Dec 2020 c S-15.1 Reg 10 s20-16.

Free swimming diving

20-17(1) An employer shall ensure that free swimming diving is performed only if a dive cannot safely be accomplished in the tethered mode.

(2) An employer shall not require or permit a diver to perform free swimming diving unless:

(a) the diver is accompanied by a tethered in-water standby diver or the buddy system is used; and

(b) the employer has first ensured that conditions are such that the free swimming dive can be undertaken safely.

31 Dec 2020 c S-15.1 Reg 10 s20-17.

Scuba diving

20-18(1) An employer shall ensure that, during scuba diving operations, a diver uses:

(a) open-circuit scuba equipped with a demand regulator and a tank with quick-release harness;

(b) a reserve device or bail-out system;

(c) a lifeline, except if the buddy system is used; and

(d) an exposure suit or protective clothing that is appropriate for the condition of work and the temperature of the water.

(2) An employer shall ensure that no diver using scuba equipment:

(a) dives to a depth exceeding 40 metres; or

(b) dives without a lifeline under ice or when potentially hazardous conditions exist, including water currents, low visibility and adverse weather conditions.

31 Dec 2020 c S-15.1 Reg 10 s20-18.

Surface-supply diving

20-19 If a diver is required or permitted to perform surface-supply diving, an employer shall ensure that:

(a) the umbilical incorporates a lifeline to prevent stress on the hose;

(b) the connections between the airline and the equipment supplying the breathing gas to the diver are secured and properly guarded to prevent accidental disconnection or damage;

(c) the airline is equipped with the following, in sequence from the surface connection:

(i) a regulating valve that is clearly marked as to which diver's air supply the valve controls;

(ii) a pressure gauge that is accessible and clearly visible to the diver's tender; and

(iii) a non-return valve at the point of attachment of the airline to the diving helmet or mask;

(d) the diver carries a bail-out system; and

(e) the diver is equipped with a lifeline and an effective means of two-way communication between the diver and the diver's tender.

31 Dec 2020 cS-15.1 Reg 10 s20-19.

PART 21
Chemical and Biological Substances

General duties of employers

21-1(1) An employer shall, at a place of employment:

(a) monitor the use or presence of, or a worker's exposure to, any chemical substance or any biological substance that may be hazardous or harmful to the health or safety of a worker;

(b) if reasonably practicable, substitute a less hazardous or harmful chemical substance or biological substance for a hazardous or harmful chemical substance or biological substance;

(c) subject to subsection 21-6(1), to the extent that is reasonably practicable, reduce any contamination of the place of employment by a chemical substance or biological substance; and

(d) develop and implement work procedures and processes that are as safe as is reasonably practicable for the handling, use, storage, production and disposal of chemical substances and biological substances.

(2) An employer shall take all practicable steps to prevent exposure of a worker, to an extent that is likely to be harmful to the worker, to:

(a) a chemical substance or biological substance that may be hazardous; or

(b) a chemical substance or biological substance in combination or association with any other substance present that may be hazardous.

(3) An employer shall:

(a) inform the workers of the nature and degree of the effects to their health or safety of any chemical substance or biological substance to which the workers are exposed in the course of their work; and

(b) provide the workers with adequate training with respect to:

(i) work procedures and processes developed pursuant to clause (1)(d); and

(ii) the proper use of any personal protective equipment required by these regulations.

(4) An employer shall make available to the committee, the representative or, if there is no committee or representative, the workers:

(a) the results of any measurements of worker exposure to, and contamination of a place of employment by, a chemical substance or biological substance; and

(b) any steps taken to reduce the contamination of a place of employment by, and eliminate or reduce exposure of the workers to, a chemical substance or biological substance.

31 Dec 2020 c S-15.1 Reg 10 s21-1.

List of chemical and biological substances

21-2(1) An employer shall, in consultation with the committee, the representative or, if there is no committee or representative, the workers:

(a) develop and maintain a list of:

(i) all chemical substances and biological substances that are regularly handled, used, stored, produced or disposed of in the course of work processes and that may be hazardous to the health and safety of the workers at the place of employment; and

(ii) any other chemical substances or biological substances that may be present at the place of employment and are of concern to the workers; and

(b) identify on the list all chemical substances and biological substances that are hazardous products.

(2) An employer shall:

(a) amend the list mentioned in subsection (1) whenever a chemical substance or biological substance is added to or removed from the place of employment;

(b) submit a copy of each amendment to the committee or the representative; and

(c) keep a copy of the list at the place of employment and make the list readily available to the workers.

31 Dec 2020 c S-15.1 Reg 10 s21-2.

Precautions for certain substances

21-3(1) If a chemical substance or biological substance listed pursuant to subsection 21-2(1) is not a hazardous product or is a hazardous product that is exempted from the application of Part 22, an employer shall take all reasonable steps to:

(a) ascertain and record the hazards that may arise from the handling, use, storage, production or disposal of the substance at the place of employment;

(b) ascertain and record the precautions that need to be taken with respect to the substance to ensure the health and safety of workers; and

(c) clearly mark the container holding the substance with the name of the substance as set out in the list.

(2) An employer, in consultation with the committee, shall develop a program to instruct workers about the hazards of the substances to which subsection (1) applies and train workers in the precautions to be taken with respect to those substances.

(3) An employer shall implement a program developed pursuant to subsection (2).

31 Dec 2020 cS-15.1 Reg 10 s21-3.

Substances listed in Table 16

21-4(1) An employer shall send to the director a written notice of any handling, use, storage, production, distribution or disposal, or any intended handling, use, storage, production, distribution or disposal of any chemical substance or biological substance listed in Table 16 of the Appendix.

(2) No employer shall handle, use, store, produce, distribute or dispose of a chemical substance or biological substance listed in Table 16 of the Appendix without:

(a) obtaining the written permission of the director; and

(b) complying with any conditions that the director may specify.

31 Dec 2020 cS-15.1 Reg 10 s21-4.

Substances listed in Table 17

21-5 If workers are required to handle, use, store, produce or dispose of any chemical substance listed in Table 17 of the Appendix, an employer shall:

(a) provide adequate engineering controls to prevent, to the extent that is reasonably practicable, the release of the substance into the place of employment; and

(b) take other measures and provide personal protective equipment that meets the requirements of Part 7 to prevent, to the extent that is practicable, any significant risk to workers from the substance.

31 Dec 2020 cS-15.1 Reg 10 s21-5.

Substances listed in Table 18

21-6(1) Subject to sections 21-5 and 21-7, if a chemical substance or biological substance listed in Table 18 of the Appendix is present at a place of employment, an employer shall:

(a) provide adequate engineering controls, to the extent that it is reasonably practicable to do so, to ensure that the contamination limit set out in Table 18 is not exceeded in any area where a worker is usually present; and

(b) take all practicable steps to ensure that no worker's personal exposure exceeds the contamination limit set out in Table 18.

(2) An employer, in consultation with the committee, shall develop a written procedure that meets the requirements of subsection (3) if a chemical substance or biological substance listed in Table 18 of the Appendix is present at a place of employment in an airborne concentration that may be hazardous to a worker, and a worker:

(a) is regularly required or permitted to work more than 8 hours in a day or 40 hours in a week; or

(b) may be exposed to a combination or association of substances listed in Table 18 of the Appendix that have similar toxicological effects when acting on the same organ or body system.

(3) A written procedure required by subsection (2) must identify:

(a) the substances to which a worker may be exposed;

(b) the conditions under which a worker will be required or permitted to work, including the frequency, quantity and duration of exposure to the substances; and

(c) the steps that the employer will take to ensure, to the extent that is practicable, that no worker's personal exposure exceeds the equivalent of the contamination limit set out in Table 18 of the Appendix.

(4) An employer shall implement a procedure developed pursuant to subsection (2).

31 Dec 2020 cS-15.1 Reg 10 s21-6.

Protection of certain workers

21-7 If a chemical substance or biological substance is present at a place of employment in a form and to an extent that may be harmful to a worker who is pregnant, has become sensitized to the substance or is unusually responsive to the substance, an employer shall, as soon as is reasonably possible after the worker has notified the employer of the worker's condition:

(a) if reasonably practicable, take steps to minimize the exposure of the worker to the substance; or

(b) on the worker's request, assign the worker to less hazardous alternate work if that work is available.

31 Dec 2020 cS-15.1 Reg 10 s21-7.

Respiratory protective devices

21-8 If it is not reasonably practicable to reduce a worker's personal exposure to a chemical substance or biological substance to the contamination limit set out in Table 18 of the Appendix, an employer shall provide an approved respiratory protective device that meets the requirements of Part 7 and require the worker to use it.

31 Dec 2020 cS-15.1 Reg 10 s21-8.

Accumulations, spills and leaks

21-9 If there is a possibility of an accumulation, spill or leak of a chemical substance or biological substance that may be hazardous to the health or safety of a worker at a place of employment, an employer:

(a) in consultation with the committee, shall develop written emergency procedures to be implemented in the event of an accumulation, spill or leak;

(b) shall make readily available for reference by workers a copy of the emergency procedures developed pursuant to clause (a);

(c) shall ensure that each worker is trained in and implements any of the emergency procedures developed pursuant to clause (a) that:

(i) require the involvement of the worker; or

(ii) are necessary to protect the health or safety of the worker;

(d) shall ensure that competent persons, equipment, supplies and personal protective equipment are available for the prompt, safe and effective containment, neutralizing and decontamination of any accumulation, spill or leak; and

(e) shall ensure that the emergency procedures developed pursuant to clause (a) are implemented in the event of an accumulation, spill or leak.

31 Dec 2020 cS-15.1 Reg 10 s21-9.

Report of worker's exposure

21-10(1) If an accumulation, spill or leak of a chemical substance or biological substance listed in Table 16 or 17 of the Appendix occurs and results in the exposure of a worker to the chemical substance or biological substance to an extent that may affect the health or safety of the worker, an employer, in consultation with the committee, shall investigate the incident as soon as is reasonably possible and prepare a written report that includes:

(a) a description of the incident, including the date and all affected worksites;

(b) the names of the substances released and the characteristics of the substances;

(c) for each substance released, the estimated duration and the extent of each worker's exposure;

(d) the name of each worker exposed and the manner in which the substance entered the worker's body;

(e) the causes of the incident; and

(f) any corrective actions taken to prevent occurrence of a similar incident.

(2) An employer shall provide a copy of a report prepared pursuant to subsection (1) to any worker who was exposed to the chemical substance or biological substance that was released.

31 Dec 2020 cS-15.1 Reg 10 s21-10.

Emergency showers

21-11 If there may be a risk of substantial contamination of a worker or of a worker's clothing from corrosive or other harmful substances, an employer or contractor shall provide and maintain an approved and readily accessible means of bathing or showering the worker in lukewarm water.

31 Dec 2020 cS-15.1 Reg 10 s21-11.

Eye flushing equipment

21-12 If there may be a risk to the eyes of a worker from corrosive or other harmful substances, an employer or contractor shall provide, at readily accessible locations, approved equipment to flush the eyes of the worker with lukewarm water or another appropriate liquid.

31 Dec 2020 cS-15.1 Reg 10 s21-12.

Flammable, unstable, highly reactive and corrosive substances

21-13(1) If the storage at a place of employment of a chemical substance that is flammable, oxidizing, corrosive or dangerously reactive may put at risk the health or safety of a worker, an employer, contractor or owner shall ensure that:

(a) the substance is stored:

(i) in a self-contained enclosure, room or building that is isolated from work-related areas and worksites and is adequately ventilated; and

(ii) protected from conditions, including excessive temperature, shock or vibration, that could reduce the stability or increase the potential hazard of the substance;

(b) subject to Part 22, a durable, legible sign setting out the harmful characteristics of the substance and the precautions to be taken for storage is posted at each entrance to the enclosure, room or building in which the substance is stored; and

(c) the container in which the substance is kept:

(i) subject to Part 22, is clearly labelled with the name, harmful characteristics and precautions to be taken for the safe storage of the substance or substances;

(ii) subject to section 25-7, is designed, constructed and maintained to contain the substance securely and to be resistant to the substance and any other substances to which the container may be exposed;

(iii) is sealed or covered; and

(iv) is stored in a manner to protect the container from falls or damage.

(2) If 2 or more chemical substances, when combined, produce a toxic, corrosive or explosive reaction, an employer, contractor or owner shall ensure that the substances are effectively separated and stored to prevent the substances from combining.

31 Dec 2020 cS-15.1 Reg 10 s21-13.

PART 22
Workplace Hazardous Materials Information System

Definitions for Part

22-1 In this Part:

"bulk shipment" means a shipment of a hazardous product that is contained in any of the following, without intermediate containment or intermediate packaging:

(a) a vessel with a water capacity equal to or greater than 450 litres;

(b) a freight container, road vehicle, railway vehicle, or portable tank;

(c) the hold of a ship; or

(d) a pipeline;

"container" includes a bag, barrel, bottle, box, can, cylinder, drum or similar package or receptacle, but does not include a storage tank;

"education" means the delivery of general information to workers;

"employer safety data sheet" means a safety data sheet prepared by an employer that contains the information required by Part 4 of the *Hazardous Products Regulations*;

"fugitive emission" means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from:

(a) process equipment;

(b) emission control equipment; or

(c) a product that workers may be exposed to;

"hazard class" means a hazard class mentioned in Schedule 2 of the *Hazardous Products Act*;

"hazard information" means information on the proper and safe use, storage, handling and disposal of a hazardous product, and includes information relating to the product's health and physical hazards;

"hazard statement" means a phrase assigned to a category or subcategory of a hazard class or, in the case of column 5 of Parts 4 to 6 of Schedule 5 of the *Hazardous Products Regulations*, the required statement that describes the nature of the hazard presented by a hazardous product;

"*Hazardous Materials Information Review Act*" means the *Hazardous Materials Information Review Act* (Canada);

"*Hazardous Materials Information Review Regulations*" means the *Hazardous Materials Information Review Regulations* (Canada), SOR/88-456;

"*Hazardous Products Act*" means the *Hazardous Products Act* (Canada);

"*Hazardous Products Regulations*" means the *Hazardous Products Regulations* (Canada), SOR/2015-17;

"hazardous waste" means a hazardous product that is:

(a) intended for disposal; or

(b) acquired or generated for recycling or recovery;

"health professionals" means:

(a) physicians who are licensed to practise medicine pursuant to the laws of Saskatchewan and who are practising medicine pursuant to the laws of Saskatchewan; and

(b) nurses who are registered or licensed pursuant to the laws of Saskatchewan;

"initial supplier identifier" means, with respect to a hazardous product, the name, address and telephone number of:

(a) the manufacturer; or

(b) the importer of the hazardous product who operates in Canada;

"laboratory sample" means a sample of a hazardous product that is packaged in a container that contains less than 10 kilograms of the hazardous product and that is intended solely to be tested in a laboratory, but does not include a sample that is to be used:

(a) by the laboratory for testing other products, mixtures, materials or substances; or

(b) for educational or demonstration purposes;

"manufactured article" means any article that is formed to a specific shape or design during manufacturing, 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 hazardous product;

"process equipment" means the equipment used in the process of creating a hazardous product;

"product identifier" means, with respect to a hazardous product, the brand name, chemical name, common name, generic name or trade name;

"readily available" means present in an appropriate place, accessible to a worker at all times, and in the form of:

(a) a physical copy; or

(b) an electronic copy;

"research and development" means a scientific analysis or experiment to find information that is other than or in addition to that supplied in a Disclosure of Source of Toxicological Data;

"signal word" means, with respect to a hazardous product, the word "danger" or "warning" that is used to alert the reader to a potential hazard and to indicate its severity;

"significant new data" means new data regarding the hazard presented by a hazardous product that:

(a) changes the product's classification in a category or subcategory of a hazard class;

(b) changes the product's hazard class; or

(c) changes the ways to protect against the hazard presented by the hazardous product;

"supplier" means a supplier as defined in the *Hazardous Products Act*;

"supplier label" means a label provided by a supplier that contains the information elements required by Part 3 of the *Hazardous Products Regulations*;

"supplier safety data sheet" means a safety data sheet provided by a supplier that contains the information required by Part 4 of the *Hazardous Products Regulations*;

"training" means the delivery of worksite and job-specific information to workers;

"workplace label" means a legible label that discloses:

(a) a product identifier that is identical to that found on the safety data sheet of the corresponding hazardous product;

(b) all necessary information for the safe handling of the hazardous product, including signal words and hazard statements; and

(c) whether a safety data sheet is readily available.

31 Dec 2020 c S-15.1 Reg 10 s22-1.

Certain products exempted

22-2(1) Subject to subsections (2) to (6), these regulations apply to employers and workers with respect to hazardous products used, stored and handled at a workplace.

(2) A supplier label and a supplier safety data sheet are not required for the following hazardous products:

(a) an explosive as defined in section 2 of the *Explosives Act* (Canada);

(b) a cosmetic, device, drug or food, as defined in section 2 of the *Food and Drugs Act* (Canada);

(c) a pest control product as defined in subsection 2(1) of the *Pest Control Products Act* (Canada);

(d) a nuclear substance as defined in section 2 of the *Nuclear Safety and Control Act* (Canada) that is radioactive;

(e) a consumer product as defined in section 2 of the *Canada Consumer Product Safety Act*.

(3) These regulations do not apply to a hazardous product that is:

(a) wood or a product made of wood;

(b) tobacco or a product made of tobacco;

(c) a manufactured article; or

(d) being transported or handled pursuant to *The Dangerous Goods Transportation Act* and the *Transportation of Dangerous Goods Act* (Canada).

(4) Subject to subsection (5), these regulations do not apply to hazardous waste.

(5) An employer shall ensure the safe storage and handling of hazardous waste through a combination of identification of the hazardous waste and worker education and training.

(6) The worker education and training mentioned in subsection (5) must include all hazard information that the employer is, or ought reasonably to be, aware of concerning the hazardous waste.

31 Dec 2020 cS-15.1 Reg 10 s22-2.

Restriction on use of hazardous products

22-3(1) Subject to subsection (2), an employer shall ensure that a hazardous product is not used, stored or handled in a place of employment unless all the applicable requirements in these regulations with respect to labels, identifiers, safety data sheets and worker education and training are complied with.

(2) An employer may store a hazardous product in a place of employment while actively seeking information required pursuant to these regulations.

31 Dec 2020 cS-15.1 Reg 10 s22-3.

Worker education and training

22-4(1) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of the worker's work activities is informed about:

(a) all hazard information received by the employer from a supplier concerning that hazardous product; and

(b) any further hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.

(2) If a hazardous product is produced in a place of employment, an employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of the worker's work activities is informed about all hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.

(3) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of the worker's work activities is educated and trained respecting:

(a) the content that is required to appear on a supplier label and workplace label for the hazardous product and the purpose and significance of the information contained on those labels;

(b) the content that is required to appear on a safety data sheet for a hazardous product and the purpose and significance of the information contained on the safety data sheet;

(c) all necessary procedures for the safe use, storage, handling and disposal of the hazardous product;

(d) all necessary procedures to be followed if fugitive emissions are present where workers may be exposed to those fugitive emissions; and

(e) all necessary procedures to be followed in case of an emergency involving a hazardous product.

(4) An employer shall ensure that the education and training required by subsection (3) is developed and implemented:

(a) for that employer's place of employment; and

(b) in consultation with the committee, if there is an occupational health committee.

(5) An employer shall ensure that:

(a) the education and training required by subsection (3) results in a worker being able to apply the information as needed to protect the health and safety of that worker or any other worker;

(b) the necessary procedures mentioned in clauses (3)(c) to (e) are implemented; and

(c) the knowledge of the workers is periodically evaluated using written tests, practical demonstrations or other suitable means.

(6) An employer shall review at least annually, or more frequently if required by a change in work conditions or available hazard information, the education and training programs provided to workers on the safe use, storage, handling and disposal of hazardous products, in consultation with:

(a) the committee;

(b) the occupational health and safety representative; or

(c) if there is no committee or occupational health and safety representative, a worker representative.

31 Dec 2020 c S-15.1 Reg 10 s22-4.

Supplier label

22-5(1) Subject to any exemption from labelling requirements in Part 5 of the *Hazardous Products Regulations*, an employer shall ensure that the hazardous product or the container in which the hazardous product is packaged that is received at a workplace has a supplier label affixed to it, printed on it or attached to it in a manner that complies with the requirements in Part 3 of the *Hazardous Products Regulations*.

(2) Subject to section 3-50 of the Act and any applicable exemptions from labelling requirements in Part 5 of the *Hazardous Products Regulations*, if any amount of a hazardous product remains in a workplace in the container in which it was received from the supplier, an employer shall not remove, deface, modify or alter the supplier label.

(3) An employer shall update the supplier labels or the information on a hazardous product as soon as significant new data is provided to the employer from the supplier.

(4) If the label applied to a hazardous product or the container of a hazardous product becomes illegible or is accidentally removed from the hazardous product or the container, the employer shall replace the label with either a supplier label or a workplace label.

(5) Notwithstanding subsections (2) and (4), a supplier label of a hazardous product may be removed under the normal conditions of use of the hazardous product in a container that has a capacity of 3 millilitres or less, if the label interferes with the normal use of the product.

(6) The employer shall affix a workplace label that meets the requirement in section 22-6 if the employer imports and receives a hazardous product pursuant to Part 5 of the *Hazardous Products Regulations* that:

(a) is only for use in the employer's place of employment; and

(b) is without a label.

(7) An employer who has received an unpackaged hazardous product or a hazardous product transported as a bulk shipment to which a supplier label has not been affixed or attached pursuant to the exemption in subsection 5.5(2) of the *Hazardous Products Regulations* shall affix a label having the information required of a supplier label to the container of the hazardous product or to the hazardous product in the workplace.

31 Dec 2020 cS-15.1 Reg 10 s22-5.

Workplace label for employer – produced products

22-6(1) Subject to subsections (2) and (3), if a hazardous product is produced at a place of employment, the employer shall ensure that a workplace label is applied to the hazardous product or the container of the hazardous product.

(2) An employer shall update the workplace labels or the information on a hazardous product as soon as significant new data is made available to the employer.

(3) Subsection (1) does not apply to:

(a) the production of fugitive emissions;

(b) a hazardous product that is in a container:

(i) intended to contain the hazardous product for sale or disposition; and

(ii) that is or is about to be appropriately labelled for sale or disposition within the normal course of business and without undue delay.

31 Dec 2020 cS-15.1 Reg 10 s22-6.

Workplace label for decanted products

22-7(1) Subject to subsection (2), if a hazardous product at a place of employment is in a container other than the container in which the hazardous product was received from a supplier, an employer shall ensure that a workplace label is applied to the container into which the hazardous product is placed.

(2) Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label applied to it if:

(a) all of the hazardous product in the portable container is required for immediate use; or

(b) all of the following conditions are met:

(i) the hazardous product is:

(A) under the control of, and used exclusively by, the worker who filled the portable container; and

(B) used only during the shift in which the portable container was filled;

(ii) the contents of the container are clearly identified.

31 Dec 2020 cS-15.1 Reg 10 s22-7.

Identification of hazardous products in piping systems and vessels

22-8 Notwithstanding sections 22-5 to 22-7, an employer shall ensure the safe use, storage, handling and disposal of a hazardous product in a place of employment through worker education and training and the use of colour coding, labels, placards or any other mode of identification if the hazardous product is contained or transferred in or on:

(a) a pipe;

(b) a piping system, including valves;

(c) a process vessel;

(d) a reaction vessel; or

(e) a tank car, tank truck, ore car, conveyor belt or similar conveyance.

31 Dec 2020 cS-15.1 Reg 10 s22-8.

Placard identifiers

22-9(1) Notwithstanding sections 22-5 to 22-7, an employer shall post a placard in accordance with subsection (2) if a hazardous product:

(a) is not in a container;

(b) is in a container or form intended for export; or

(c) is in a container that is intended to contain the hazardous product for sale or disposition, and the container is not yet labelled but is to be labelled pursuant to section 22-6.

(2) A placard required by subsection (1):

(a) must disclose the information that is required to appear on a workplace label; and

(b) must be of an appropriate size and must be placed in an appropriate location to make the information on it conspicuous and clearly legible to workers.

(3) An employer who complies with subsections (1) and (2) is deemed to have complied with sections 22-5 to 22-7.

31 Dec 2020 c S-15.1 Reg 10 s22-9.

Laboratory and sample labels

22-10(1) If a sample of a product described in subsection (2) is a hazardous product or a product that a supplier or an employer has reason to believe may be a hazardous product, a label provided by the supplier and affixed to the container received at the place of employment is deemed to be a supplier label for the purposes of section 22-5 if it meets the requirements in subsection (4).

(2) Subject to subsection (3), subsection (1) applies to a product that:

(a) is contained in a container that contains less than 10 kilograms of the product;

(b) is intended by the supplier or the employer solely for analysis, testing or evaluation in a laboratory; and

(c) is a product with respect to which the supplier is exempt from the requirement to provide a safety data sheet pursuant to Part 5 of the *Hazardous Products Regulations*.

(3) Subsections (1) and (2) do not apply to a sample that is to be used:

(a) by the laboratory for testing other products, mixtures, materials or substances; or

(b) for educational or demonstration purposes.

(4) If a laboratory sample of a hazardous product is the subject of a labelling exemption pursuant to subsection 5(5) or (6) of the *Hazardous Products Regulations*, a label provided by the supplier and affixed to, printed on or attached to the container complies with the requirements in section 22-5 with respect to a supplier label if it discloses the following information in place of the information required pursuant to paragraph 3(1)(c) or (d) of the *Hazardous Products Regulations*:

(a) the product identifier;

(b) the chemical or generic chemical name of any material or substance in the hazardous product that is:

(i) individually classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations*, in any category or subcategory of a hazard class; and

(ii) present at a concentration that results in the mixture being classified in a category or subcategory of any hazard class, if known by the supplier;

(c) the initial supplier identifier; and

(d) the statement, "Hazardous Laboratory Sample. For hazard information or in an emergency, call / Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d'urgence, composez", followed by an emergency phone number that will enable the caller to obtain the information that is required to appear on the safety data sheet of a hazardous product.

(5) An employer is exempt from the requirements in section 22-7 if the hazardous product at a place of employment:

(a) is either:

(i) in a container other than the container in which it was received from a supplier; or

(ii) produced in the workplace;

(b) is a laboratory sample; or

(c) is intended by the employer solely for use, analysis, testing or evaluation in a laboratory and is clearly identified through a combination of:

(i) any modes of identification visible to workers at the workplace; and

(ii) worker education and training required pursuant to these regulations.

(6) If a hazardous product is produced in a laboratory, the employer is exempt from the requirements in sections 22-6 and 22-7 if the hazardous product:

(a) is intended by the employer solely for use, analysis, testing or evaluation for research and development;

(b) is not removed from the laboratory; and

(c) is clearly identified through a combination of:

(i) any modes of identification visible to workers at the workplace; and

(ii) worker education and training required pursuant to these regulations.

(7) For the purposes of subclauses (5)(c)(ii) and (6)(c)(ii), the employer shall ensure that the mode of identification and worker education and training used enables the workers to readily identify and obtain:

(a) the information required on a safety data sheet; or

(b) a label or document disclosing the information mentioned in subsection (4) with respect to the hazardous product or the laboratory sample.

31 Dec 2020 cS-15.1 Reg 10 s22-10.

Supplier safety data sheets

22-11(1) Subject to subsection (5), an employer who acquires a hazardous product for use, storage or handling at a workplace shall obtain a supplier safety data sheet, if one has been produced with respect to that hazardous product.

(2) If a hazardous product that is used in a workplace is 3 years old, the employer shall, if possible, obtain from the supplier an up-to-date supplier safety data sheet with respect to the hazardous product at that time.

(3) If an employer is unable to obtain an up-to-date supplier safety data sheet pursuant to subsection (2), the employer shall add to the existing supplier safety data sheet any significant new data of which the employer is aware or ought to be aware.

(4) An employer may provide a safety data sheet that is in a different format from that provided by the supplier or that contains additional hazard information if:

(a) subject to section 22-14, the safety data sheet provided by the employer contains no less information than the supplier safety data sheet or any lesser information that is acceptable to the committee, the occupational health and safety representative or, if there is no committee or occupational health and safety representative, a worker representative; and

(b) the supplier safety data sheet is available at the place of employment and the employer's safety data sheet indicates that the supplier safety data sheet is available at the place of employment.

(5) Notwithstanding subsection (1), an employer is exempt from the requirement to obtain a supplier safety data sheet for a hazardous product if:

(a) the employer is exempt from the requirement to provide a safety data sheet pursuant to Part 5 of the *Hazardous Products Regulations*; or

(b) the up-to-date safety data sheet no longer applies to the original product.

31 Dec 2020 cS-15.1 Reg 10 s22-11.

Employer safety data sheets

22-12(1) For the purposes of this section, **"produces"** does not include the production of a fugitive emission or of intermediate products undergoing reaction within a reaction vessel or process vessel.

(2) Subject to section 22-14 and Part 5 of the *Hazardous Products Regulations*, if the employer produces a hazardous product in a place of employment, the employer shall prepare a safety data sheet for the hazardous product.

(3) An employer shall update the safety data sheet mentioned in subsection (2) as soon as possible if significant new data becomes available to the employer, but not later than 90 days after the significant new data becomes available.

(4) Subject to section 11 of the *Hazardous Materials Information Review Act*, on a request pursuant to subsection (5), an employer who produces a hazardous product in a workplace shall disclose to the person making the request the source of any toxicological data used in preparing a safety data sheet.

(5) An employer shall make the disclosure mentioned in subsection (4) on the request of an inspector, a concerned worker, the committee, an occupational health and safety representative or, if there is no committee or occupational health and safety representative, a worker representative.

31 Dec 2020 cS-15.1 Reg 10 s22-12.

Availability of safety data sheets

22-13(1) An employer shall ensure that a copy of a safety data sheet required pursuant to sections 22-11 and 22-12 is made readily available to any of the following who are consulted on the matter of how best to achieve safety data accessibility in the workplace:

(a) workers who may be exposed to the hazardous product;

(b) the committee, if any;

(c) an occupational health and safety representative, if any;

(d) a worker representative.

(2) If a hazardous product is received or produced at a laboratory and the employer has produced a safety data sheet, the employer shall ensure that the safety data sheet is readily available to any worker in the laboratory.

31 Dec 2020 cS-15.1 Reg 10 s22-13.

Omissions from safety data sheet

22-14 Pending the final determination of an employer's claim for an exemption pursuant to section 3-50 of the Act, the employer may, subject to any terms and conditions pursuant to that section, omit from a safety data sheet required by sections 22-11 and 22-12 the information that is the subject of the claim, but shall not omit any hazard information.

31 Dec 2020 cS-15.1 Reg 10 s22-14.

Disclosure re claim for exemption, exemption granted

22-15(1) In this section, **"proceedings"** means proceedings as defined in subsection 19(3) of the *Hazardous Materials Information Review Act*.

(2) An employer who claims an exemption from a requirement to disclose information pursuant to section 3-50 of the Act shall disclose the following on the required safety data sheet or label:

(a) a statement that a claim for exemption was filed with Health Canada;

(b) the date on which the claim for exemption was filed with Health Canada;

(c) the registry number assigned to the claim pursuant to section 10 of the *Hazardous Materials Information Review Regulations*.

(3) Subsection (2) continues to apply until:

(a) in the case that an order is issued by a screening officer pursuant to subsection 16(1) or 17(1) of the *Hazardous Materials Information Review Act*, the end of the period that begins on the final disposition of the proceedings respecting the claim for exemption and ends at the time specified in the order; or

(b) in any other case, the end of the period not exceeding 30 days after the final disposition of the proceedings respecting the claim for exemption.

(4) An employer who receives notice of a decision pursuant to section 15 of the *Hazardous Materials Information Review Act* that the employer's claim is valid shall, before the end of the period mentioned in clause (3)(a) or (b) and throughout the period ending on the last day of the exemption period stated in the decision, disclose on the required safety data sheet or label:

(a) a statement that an exemption has been granted;

(b) the date of the decision granting the exemption; and

(c) the registry number assigned to the claim pursuant to section 10 of the *Hazardous Materials Information Review Regulations*.

(5) If an employer who is granted an exemption pursuant to this section prepares a safety data sheet for a hazardous product, the safety data sheet complies with the requirements in subsection 22-12(2) if:

(a) it discloses the following information in place of the information elements listed in items 3(1)(a),(c) and (d) or 3(2)(a) and (c) of Schedule I of the *Hazardous Products Regulations*:

(i) in the case of a hazardous product that is a material or substance, the generic chemical name of the material or substance;

(ii) in the case of a hazardous product that is a mixture, the generic chemical name of each material or substance in that mixture that is:

(A) individually classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations*, in any category or subcategory of a hazard class; and

(B) present at a concentration that results in the mixture being classified in a category or subcategory of any hazard class, if known by the supplier;

(b) it does not disclose the information element listed in item 3(2)(d) of Schedule I of the *Hazardous Products Regulations*; or

(c) it discloses in the place of the product identifier a code name or code number for the product.

31 Dec 2020 cS-15.1 Reg 10 s22-15.

PART 23
Asbestos

Definitions for Part

23-1 In this Part:

"asbestos" means the fibrous form of crocidolite, amosite, chrysotile, anthophyllite, actinolite, tremolite or a mixture containing any of those minerals;

"asbestos dust" means dust that consists of or contains asbestos fibres that are likely to become airborne;

"asbestos-containing material" means:

(a) vermiculite determined to contain any asbestos when tested according to an approved method; or

(b) any material, other than vermiculite, that when tested according to an approved method is determined to contain:

(i) a proportion of asbestos greater than 0.5%, if the material is friable; or

(ii) a proportion of asbestos greater than 1.0%, if the material is non-friable;

"asbestos process" means any activity that may release asbestos dust, and includes:

(a) the sawing, cutting or sanding of asbestos-containing materials;

(b) the repair, maintenance, replacement or removal of asbestos surfaces;

(c) the cleaning or disposal of asbestos materials;

(d) the mixing or application of asbestos shorts, cements, grouts, putties or similar compounds;

(e) the storing or conveyance of materials containing asbestos; and

(f) the demolition of structures containing asbestos;

"asbestos surface" means the surface of an object that contains asbestos;

"friable" means material that, when dry, is or can be crumbled, pulverized or powdered by hand pressure.

31 Dec 2020 cS-15.1 Reg 10 s23-1.

Application of Part

23-2 This Part applies to any place of employment or worksite where asbestos dust is likely to be released into the atmosphere and workers may be present.

31 Dec 2020 cS-15.1 Reg 10 s23-2.

Prohibition re crocidolite

23-3 No employer, contractor, owner, worker or self-employed person shall install crocidolite or any mixture containing crocidolite.

31 Dec 2020 cS-15.1 Reg 10 s23-3.

Prohibition re spraying

23-4 No employer, contractor, owner, worker or self-employed person shall spray asbestos-containing materials.

31 Dec 2020 cS-15.1 Reg 10 s23-4.

Identification of asbestos-containing materials

23-5(1) Subject to subsection (3), an employer, contractor or owner shall identify and keep a written record of the following materials that the employer, contractor or owner knows or may reasonably be expected to know are present in a place of employment and with which workers may come into contact:

(a) asbestos-containing material;

(b) subject to subsection (2), any material likely to contain asbestos.

(2) Any material likely to contain asbestos is deemed to be asbestos-containing material for the purposes of this Part until the material is determined to be asbestos-free.

(3) An employer, contractor or owner shall immediately identify the presence in a place of employment of all material that is likely to contain asbestos, is damaged or in poor repair and is likely to release asbestos dust into the atmosphere at the place of employment.

(4) An employer, contractor or owner shall ensure that the identification and assessment of asbestos-containing materials pursuant to subsection (1) or the determination of asbestos-free materials pursuant to subsection (2) is performed only by a competent person.

(5) An employer, contractor or owner shall ensure that the written record mentioned in subsection (1) includes the following information for each asbestos-containing material or each type of asbestos-containing material:

(a) its location;

(b) its characteristics;

(c) its accessibility.

(6) An employer, contractor or owner shall ensure that the written record mentioned in subsection (1) is updated each time asbestos-containing material is added to or removed from the place of employment.

(7) An employer, contractor or owner shall make a copy of the written record mentioned in subsections (1), (3), (5) and (6) readily available for reference by:

(a) the committee;

(b) the representative; and

(c) the workers.

31 Dec 2020 cS-15.1 Reg 10 s23-5.

Labelling, placarding, etc.

23-6(1) If workers have access to asbestos-containing materials identified pursuant to subsection 23-5(1), an employer, contractor or owner shall ensure that:

(a) the asbestos-containing materials are clearly and conspicuously labelled as asbestos;

(b) the presence and location of the asbestos-containing materials are clearly indicated on a placard that is posted in a conspicuous location as close as possible to the asbestos-containing materials; or

(c) the presence and location of the asbestos-containing materials are clearly indicated on a map or plan that is readily available to the workers.

(2) An employer, contractor or owner shall ensure that a label, placard, map or plan required by subsection (1) contains a warning of the danger to health from taking asbestos fibres into the body.

(3) An employer, contractor or owner shall provide to all employers, contractors and self-employed persons at the place of employment who may be at risk from any asbestos process all relevant information from the record kept pursuant to subsection 23-5(1) and any material mentioned in subsection 23-5(2) that is likely to be disturbed and may release asbestos dust.

31 Dec 2020 c S-15.1 Reg 10 s23-6.

Inspection

23-7(1) An employer, contractor or owner shall ensure that all friable asbestos-containing material and all sprayed-on asbestos surfaces are regularly inspected by the employer, contractor or owner and are inspected at least annually by a competent person to confirm that the material is not releasing, and is not likely to release, asbestos dust into the atmosphere.

(2) An employer, contractor or owner shall keep a written record of the annual inspection mentioned in subsection (1) and make a copy of the record available for reference by the workers.

31 Dec 2020 c S-15.1 Reg 10 s23-7.

Asbestos processes

23-8(1) An employer or contractor shall:

(a) ensure that every asbestos process is carried out in a manner that prevents, to the extent that is practicable, the release into the air of asbestos dust;

(b) in consultation with the committee, develop an asbestos control plan that protects the health and safety of all workers in the event of the dispersal of asbestos dust into the atmosphere at a place of employment or worksite; and

(c) implement the asbestos control plan developed pursuant to clause (b).

(2) A plan developed pursuant to subsection (1) must be in writing and must include:

(a) the emergency procedures to be used in case of an uncontrolled release of asbestos, including:

(i) the means to protect exposed workers;

(ii) the methods to confine and control the release of asbestos; and

(iii) the decontamination procedures to be used;

(b) the asbestos processes that workers may undertake;

(c) the training of workers in any asbestos process the workers may be required or permitted to undertake;

(d) the methods to control the release of asbestos dust;

(e) the personal protective equipment that workers may be required to use;

(f) the decontamination procedures for:

(i) the worksite; and

(ii) the workers who undertake any asbestos process; and

(g) the inspection and maintenance schedule for all asbestos-containing materials.

(3) An employer or contractor shall make a copy of the plan developed pursuant to subsection (1) readily available for reference by workers.

(4) If an asbestos process is undertaken, an employer, contractor or owner shall ensure that:

(a) the area is effectively isolated or otherwise enclosed to prevent the escape of asbestos dust to any other part of the place of employment;

(b) a warning notice is conspicuously displayed indicating that asbestos work is in progress;

(c) all asbestos-containing materials removed are placed in appropriate receptacles that are impervious to asbestos and that are clearly labelled "Asbestos"; and

(d) the receptacles mentioned in clause (c) are handled and transported in a manner that will protect them from physical damage.

31 Dec 2020 c S-15.1 Reg 10 s23-8.

Asbestos surfaces

23-9 An employer, contractor or owner shall ensure that:

(a) every asbestos surface is kept in good condition;

(b) all repairs and sealing necessary to prevent the breaking-off of asbestos or the release of asbestos dust from an asbestos surface are done immediately;

(c) no asbestos surface is disturbed for the purpose of maintenance, replacement, removal or repair until the surface is thoroughly wetted throughout the entire thickness; and

(d) if it is not practicable to comply with clause (c):

(i) the asbestos surface is kept wet while the surface is being disturbed; or

(ii) effective means are used to capture, at source, any dust created by the disturbance.

31 Dec 2020 cS-15.1 Reg 10 s23-9.

Ventilation equipment

23-10(1) If exhaust ventilation equipment is used to contain asbestos dust, an employer, contractor or owner shall ensure that the equipment is:

(a) equipped with a HEPA filter;

(b) inspected regularly for defects;

(c) maintained; and

(d) certified by a competent person at least once each year as being able to function safely and effectively.

(2) If exhaust ventilation equipment will exhaust into the interior of a place of employment that is occupied by workers, an employer, contractor or owner shall ensure that the equipment is tested in an approved manner by a competent person before beginning an asbestos process to ensure that the equipment is able to function safely and effectively.

31 Dec 2020 cS-15.1 Reg 10 s23-10.

Personal protective equipment

23-11(1) If effective local exhaust ventilation equipment is not used, an employer, contractor or owner shall ensure that each worker who may be exposed to asbestos dust resulting from an asbestos process is provided with and uses:

(a) an approved respiratory protective device that is appropriate to the level of risk of the asbestos process and that meets the requirements of Part 7; and

(b) approved protective clothing that, when worn, will prevent the entry of asbestos dust.

(2) An employer shall ensure that protective clothing:

(a) is disposed of as asbestos waste after use; or

(b) is kept, maintained and cleaned in a safe manner each time it is used.

31 Dec 2020 cS-15.1 Reg 10 s23-11.

Asbestos waste

23-12(1) Subject to subsection (3), an employer or contractor shall ensure that asbestos waste or dust produced in a place of employment is cleaned away promptly, and at least once each day, by vacuum cleaning equipment equipped with a HEPA filter to prevent the escape of asbestos dust into the air or, if vacuum cleaning is not practicable, by wet methods.

(2) An employer or contractor shall ensure that the vacuum cleaning equipment mentioned in subsection (1):

(a) is inspected regularly for defects;

(b) is maintained; and

(c) is certified by a competent person at least once each year as being able to function safely and effectively.

(3) Subsection (1) does not apply to vacuum cleaning equipment used within an effectively isolated enclosure that is being used to control the release of asbestos dust.

(4) An employer or contractor shall ensure that workers who are employed in the disposal of asbestos wastes are adequately trained in the safe means of handling those wastes and the proper disposal of those wastes in a manner that will not create a hazard to the health or safety of workers at the disposal site.

31 Dec 2020 cS-15.1 Reg 10 s23-12.

Warning of health risks

23-13 An employer shall ensure that workers who are likely to be employed in an asbestos process or are likely to be exposed to asbestos dust are informed of the nature and extent of the risk to their health, including a warning that:

(a) the inhalation of asbestos may cause:

(i) pneumoconiosis;

(ii) lung cancer; or

(iii) mesothelioma; and

(b) the risk of injury to health caused by the inhalation of asbestos is increased by smoking.

31 Dec 2020 cS-15.1 Reg 10 s23-13.

Training

23-14(1) An employer shall ensure that each worker who may be exposed to asbestos dust resulting from an asbestos process is provided with training in the safe handling of asbestos that is appropriate to the level of risk of the asbestos process as set out in Table 5 of the Appendix.

(2) No worker shall work in an asbestos process unless the worker has completed the training mentioned in subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s23-14.

High risk asbestos processes

23-15 If a high risk asbestos process set out in Table 5 of the Appendix has been completed, an employer or contractor shall ensure that no worker is required or permitted to enter the area where the asbestos process was carried out without an approved respiratory protective device mentioned in clause 23-11(1)(a) until a competent person determines that:

(a) there are no visible signs of debris in that area; and

(b) air monitoring verifies that airborne asbestos fibre concentrations are less than 0.01 fibres per cubic centimetre of air.

31 Dec 2020 c S-15.1 Reg 10 s23-15.

Medical examinations

23-16(1) In this section, **"worker"** means a worker who is regularly employed in an asbestos process.

(2) Not less than once every 2 years and with consent of the worker, the employer shall:

(a) offer to arrange for a medical examination of the worker during the worker's normal working hours; and

(b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover.

(3) If a worker cannot attend a medical examination mentioned in subsection (2) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.

(4) A medical examination arranged pursuant to subsection (2) must include:

(a) a comprehensive medical history and physical examination with special attention to the respiratory system;

(b) lung-function tests, including forced vital capacity and forced expiratory volume at 1 second; and

(c) any further medical investigations that are necessary for the diagnosis of an asbestos-related disease.

31 Dec 2020 c S-15.1 Reg 10 s23-16.

PART 24
Silica Processes and Abrasive Blasting

Definitions for Part

24-1 In this Part:

"abrasive blasting" means the cleaning, smoothing, roughening or removing of part of the surface of any article by the use of a jet of sand, metal shot, grit or other material;

"blasting enclosure" means a chamber, barrel, cabinet or other similar enclosure designed for the purpose of the abrasive blasting of articles;

"cleaning of castings" means, in connection with the making of metal castings, the freeing of the castings from adherent sand or other substance containing more than 5% uncombined silica, and includes the removal of cores and the general smoothing of the castings when that freeing is done, but does not include the freeing of castings from scale formed during annealing or heat treatment;

"sandblasting" means an abrasive blasting process that uses sand as an abrasive;

"silica flour" means the ground material produced by the milling of siliceous rocks or other siliceous substances;

"silica process" means a process that may release uncombined silica in a crystalline form in concentrations likely to exceed the contamination limits set out in Table 18 of the Appendix, and includes:

(a) sandblasting;

(b) the cleaning of castings;

(c) the abrasive blasting, grinding or dressing of any surface that contains more than 5% uncombined silica, including the engraving or abrasive cleaning of gravestones or structures;

(d) the getting, cutting, splitting, crushing, grinding, milling, drilling, sieving or other mechanical manipulation of gravel or other siliceous stone or rock that contains more than 5% uncombined silica;

(e) any process in which silica flour is used; and

(f) the manufacture of silica-containing bricks and the dismantling or repair of silica-containing refractory linings of furnaces;

"siliceous substances" includes diatomite;

"uncombined silica" means silica that is not combined chemically with any other element or compound.

31 Dec 2020 c S-15.1 Reg 10 s24-1.

Application of Part

24-2 This Part applies to any place of employment or worksite where a silica process is used.

31 Dec 2020 c S-15.1 Reg 10 s24-2.

Warning of workers

24-3 An employer shall warn all workers who, in the course of employment, are likely to be engaged in a silica process or are likely to be exposed to silica dust of the dangers to health from the inhalation of dust containing silica.

31 Dec 2020 c S-15.1 Reg 10 s24-3.

Cleaning of blasting equipment, etc.

24-4 An employer, contractor or owner shall take all practicable steps to prevent the inhalation of silica dust or the dissemination of silica dust into the air of the place of employment during the cleaning or maintenance of any blasting equipment, blasting enclosure, ventilating system or separating equipment.

31 Dec 2020 cS-15.1 Reg 10 s24-4.

Cleaning of worksites

24-5 An employer or contractor shall ensure that all worksites and work-related areas where dust from a silica process may affect the health or safety of a worker are regularly cleaned using a vacuum that has a HEPA filter on the exhaust or, if a vacuum is not practicable, by using wet methods.

31 Dec 2020 cS-15.1 Reg 10 s24-5.

Silica processes other than abrasive blasting

24-6(1) If a silica process other than abrasive blasting is carried on, an employer or contractor shall ensure that the entry of dust into the air where workers may be present is prevented, to the extent that is practicable, by the provision of:

(a) total or partial enclosure of the process;

(b) efficient local exhaust ventilation;

(c) jets or sprays of a suitable wetting agent; or

(d) any other method that provides equivalent protection to the workers.

(2) An employer or contractor shall ensure that any enclosure, apparatus or exhaust-ventilation equipment provided pursuant to subsection (1) is:

(a) maintained in accordance with subsections 6-4(2) and (3);

(b) inspected daily when in use; and

(c) certified as safe and effective by a competent person at least once each year.

(3) An employer or contractor shall ensure that no air discharged from a ventilation system provided pursuant to subsection (1) is recirculated in the place of employment unless the air is passed through an effective dust removal system equipped with a device that will provide a warning to workers when the system is not working effectively.

31 Dec 2020 cS-15.1 Reg 10 s24-6.

Isolation from air containing dust

24-7 If it is not practicable to prevent the entry into the air of dust from a silica process, an employer or contractor shall, if it is practicable, provide for the isolation of workers from the air containing the dust.

31 Dec 2020 cS-15.1 Reg 10 s24-7.

Personal protective equipment

24-8(1) An employer or contractor shall provide, and require a worker to wear, a respiratory protective device and other personal protective equipment that meet the requirements of Part 7 if:

(a) the protective measures required by section 24-6 or 24-7 are not practicable; or

(b) the worker is employed in cleaning and maintenance work and may be exposed to dust from a silica process.

(2) For workers engaged in abrasive blasting, an employer or contractor shall provide and maintain approved blasting hoods supplied with air:

(a) of a volume of not less than 170 litres per minute at a pressure of not more than 140 kilopascals; and

(b) that is clean and at a reasonable temperature.

(3) For workers who may be exposed to dust resulting from abrasive blasting, an employer or contractor shall provide and maintain respiratory protective devices that meet the requirements of Part 7.

31 Dec 2020 cS-15.1 Reg 10 s24-8.

Standards for blasting enclosures

24-9(1) An employer or contractor shall ensure that every blasting enclosure is:

(a) constructed, operated and maintained to prevent the escape of dust;

(b) provided with an efficient, dust-extraction system, that is operated continuously whenever the blasting enclosure is in use, whether or not abrasive blasting is actually taking place; and

(c) provided with efficient equipment for separating the abrasive from the dust, to the extent that is practicable.

(2) An employer or contractor shall ensure that an abrasive is not reintroduced into a blasting apparatus until the abrasive has been separated from the dust pursuant to clause (1)(c).

(3) An employer or contractor shall ensure that:

(a) a blasting enclosure is inspected daily when in use;

(b) a blasting enclosure, the equipment connected with the enclosure and the ventilating system associated with the enclosure are thoroughly examined and tested regularly by a competent person; and

(c) all defects identified pursuant to this section are remedied immediately.

(4) A competent person who carries out examinations and testing pursuant to clause (3)(b) shall record the results of those examinations and tests.

31 Dec 2020 cS-15.1 Reg 10 s24-9.

Use of blasting enclosures

24-10 An employer or contractor shall ensure that:

(a) to the extent that is practicable, no abrasive blasting of articles that are likely to give rise to dust containing uncombined silica is done other than in a blasting enclosure;

(b) if practicable, no sand or other substance containing more than 1% by weight of uncombined silica is used for abrasive blasting in a blasting enclosure; and

(c) no work is performed in a blasting enclosure except:

(i) abrasive blasting and work immediately incidental to abrasive blasting; and

(ii) cleaning and maintenance of the blasting enclosure, the equipment associated with the blasting enclosure and the ventilation system.

31 Dec 2020 cS-15.1 Reg 10 s24-10.

Sandblasting

24-11(1) An employer or contractor shall ensure that no sandblasting is done to any article outside a blasting enclosure if it is reasonably practicable to introduce the article into a blasting enclosure.

(2) An employer or contractor shall ensure that no sandblasting is done inside any structure or confined space without:

(a) obtaining the written permission of the director; and

(b) complying with any conditions that the director may specify.

31 Dec 2020 cS-15.1 Reg 10 s24-11.

Silica flour

24-12 An employer or contractor shall ensure that no silica flour is used:

(a) for any purpose for which a less hazardous substance may be substituted; or

(b) in the manufacture of scouring powder or abrasive soaps or as an abrasive in any process.

31 Dec 2020 cS-15.1 Reg 10 s24-12.

Medical examinations

24-13(1) In this section, **"worker"** means a worker who is regularly employed in a silica process.

(2) Not less than once every 2 years and with consent of the worker, the employer shall:

(a) offer to arrange for a medical examination of the worker during the worker's normal working hours; and

(b) reimburse the worker for any part of the cost of the medical examination that the worker cannot recover.

(3) If a worker cannot attend a medical examination mentioned in subsection (2) during the worker's normal working hours, an employer shall credit the worker's attendance at the examination as time at work and ensure that the worker does not lose any pay or other benefits.

(4) A medical examination arranged pursuant to subsection (2) must include:

(a) a comprehensive medical history and physical examination with special attention to the respiratory system;

(b) lung-function tests, including forced vital capacity and forced expiratory volume at 1 second; and

(c) any further medical investigations that are necessary for the diagnosis of a silica-related disease.

31 Dec 2020 cS-15.1 Reg 10 s24-13.

PART 25
Fire and Explosion Hazards

Definitions for Part

25-1 In this Part:

"combustible liquid" means a liquid that has a flashpoint at or above 37.8° Celsius and below 93.3° Celsius;

"container" means a stationary or portable vessel that is used to contain a flammable substance, and includes a tank, tank car, tank truck and a cylinder;

"flammable liquid" means a liquid that has a flashpoint below 37.8° Celsius and has a vapour pressure not exceeding 275.8 kilopascals at 37.8° Celsius;

"flammable substance" means:

(a) a flammable or combustible solid, liquid or gas; or

(b) dust that is capable of creating an explosive atmosphere when suspended in air in concentrations within the explosive limit of the dust;

"hot work" means work that produces arcs, sparks, flames, heat or other sources of ignition;

"system" means a system into which compressed or liquified gases are delivered and stored and from which the compressed or liquified gas is discharged in the liquid or gaseous form, and includes containers, pressure regulators, pressure relief devices, manifolds, interconnecting piping and controls.

31 Dec 2020 cS-15.1 Reg 10 s25-1.

Fire safety plan

25-2(1) An employer, contractor or owner shall:

(a) take all reasonably practicable steps to prevent the outbreak of fire at a place of employment and to provide effective means to protect workers from any fire that may occur; and

(b) develop and implement a written fire safety plan that provides for the safety of all workers in the event of a fire.

(2) A plan developed pursuant to subsection (1) must include:

(a) the emergency procedures to be used in case of fire, including:

(i) sounding the fire alarm;

(ii) notifying the fire department; and

(iii) evacuating endangered workers, with special provisions for workers with disabilities;

(b) the quantities, locations and storage methods of all flammable substances present at the place of employment;

(c) the designation of persons to carry out the fire safety plan and the duties of the designated persons;

(d) the training of designated persons and workers in their responsibilities for fire safety;

(e) the holding of fire drills; and

(f) the control of fire hazards.

(3) An employer, contractor or owner shall ensure that:

(a) designated persons and workers who have been assigned fire safety duties are adequately trained in, and implement, the fire safety plan;

(b) the fire safety plan is posted in a conspicuous place for reference by workers; and

(c) a fire drill is held at least once during each 12-month period.

31 Dec 2020 cS-15.1 Reg 10 s25-2.

Fire extinguishers

25-3(1) An employer, contractor or owner shall ensure that portable fire extinguishers are selected, located, inspected, maintained and tested so that the health and safety of workers at the place of employment is protected.

(2) An employer, contractor or owner shall ensure that portable fire extinguishers are placed not more than 9 metres away from:

(a) each industrial open-flame portable heating device, tar pot or asphalt kettle that is in use; and

(b) each welding or cutting operation that is in progress.

31 Dec 2020 cS-15.1 Reg 10 s25-3.

Garbage as fire hazard

25-4 If garbage that may constitute a fire hazard is present at a place of employment, an employer, contractor or owner shall provide covered receptacles for the garbage that are suitable to the nature of the hazard.

31 Dec 2020 cS-15.1 Reg 10 s25-4.

Procedures for flammable substances

25-5(1) If a flammable substance is or is intended to be handled, used, stored, produced or disposed of at a place of employment, an employer, contractor or owner shall develop written procedures to ensure the health and safety of workers who:

(a) handle, use, store, produce or dispose of a flammable substance that may spontaneously ignite or ignite when in combination with any other substance; or

(b) perform hot work where there is a risk of fire.

(2) An employer, contractor or owner shall ensure that all workers who are required or permitted to perform work mentioned in subsection (1) are trained in, and implement, the procedures developed pursuant to subsection (1).

(3) Workers who perform work mentioned in subsection (1) shall implement the procedures developed pursuant to subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s25-5.

Receptacles for materials contaminated by flammable liquids

25-6(1) An employer, contractor or owner shall ensure that materials contaminated by flammable liquids are placed in receptacles that:

(a) are non-combustible and have close-fitting metal covers;

(b) are labelled “flammable”; and

(c) are located at least 1 metre away from other flammable liquids.

(2) If the surface on which a receptacle required by subsection (1) is placed is combustible, an employer shall ensure that the receptacle has a flanged bottom or legs that are not less than 50 millimetres high.

(3) A worker shall place materials contaminated by flammable liquids and garbage that may constitute a fire hazard into the appropriate receptacle required by this section or by section 25-4.

31 Dec 2020 cS-15.1 Reg 10 s25-6.

Receptacles for combustible or flammable liquids

25-7 An employer, contractor or owner shall ensure that combustible and flammable liquids are kept in receptacles that meet the requirements set out in the *National Fire Code of Canada 1990*, including any revisions and errata published from time to time, respecting the storage of flammable and combustible liquids.

31 Dec 2020 cS-15.1 Reg 10 s25-7.

Hazardous activities involving combustible or flammable liquids

25-8(1) An employer or contractor shall ensure that:

(a) no gasoline is used to start a fire or used as a cleaning agent; and

(b) no worker is required or permitted:

(i) to replenish a tank on a heating device with a combustible or flammable liquid while the device is in operation or is hot enough to ignite the liquid; or

(ii) to place a tar pot, while in use, within 3 metres of an entrance to or exit from a building.

(2) A worker shall not:

(a) use gasoline to start a fire or use gasoline as a cleaning agent; or

(b) replenish a tank on a heating device with a flammable or combustible liquid while the device is in operation or is hot enough to ignite the liquid.

31 Dec 2020 cS-15.1 Reg 10 s25-8.

Control of ignition sources, static charges

25-9 An employer or contractor shall ensure that:

(a) suitable procedures are developed and implemented to prevent the ignition of flammable liquids or explosive dusts that are present at a worksite;

(b) all sources or potential sources of ignition are eliminated or controlled where an explosive atmosphere exists or is likely to exist; and

(c) static charge accumulations during transfer of flammable liquids or explosive substances from one container to another are prevented by electrically bonding the containers.

31 Dec 2020 cS-15.1 Reg 10 s25-9.

Flammable liquids, gases or explosive substances in vehicles

25-10(1) An employer shall ensure that no worker undertakes any servicing or maintenance of a vehicle while a flammable liquid or gas or an explosive substance:

(a) is loaded into or unloaded from the vehicle; or

(b) is present in the vehicle in any place other than the fuel tank.

(2) If reasonably practicable, a worker who operates a vehicle that contains a flammable liquid or gas or an explosive substance shall ensure that the engine of the vehicle is shut off during the connection or disconnection of the lines for the loading or unloading of the flammable liquid, gas or explosive substance.

31 Dec 2020 cS-15.1 Reg 10 s25-10.

Flammable or explosive substance in atmosphere

25-11(1) If a flammable or explosive substance is present in the atmosphere of a worksite at a level that is more than 20% of the lower explosive limit of that substance, an employer or contractor shall not require or permit a worker to enter or work at the worksite.

(2) Subsection (1) does not apply to:

(a) a firefighter who has been trained pursuant to section 32-4; or

(b) a competent worker who meets the requirements of subsection (3) and who is acting in an emergency situation at the place of employment.

(3) An employer shall ensure that:

(a) the competent worker mentioned in clause (2)(b) is trained, equipped and works according to an approved standard;

(b) the training required by clause (a) is provided by a competent person; and

(c) a written record is kept of all training delivered to a worker pursuant to clause (a).

31 Dec 2020 cS-15.1 Reg 10 s25-11.

Hot work

25-12(1) If a flammable substance is or may be present, an employer or contractor shall ensure that no hot work is performed until:

(a) suitable tests have been conducted that:

(i) indicate whether the atmosphere contains a flammable substance in a quantity sufficient to create an explosive atmosphere; and

(ii) confirm that the work may be safely performed; and

(b) the work procedures developed pursuant to clause 25-5(1)(b) have been implemented to ensure continuous safe performance of the work.

(2) While hot work is being performed, an employer or contractor shall conduct tests described in clause (1)(a) at intervals appropriate to the work being performed and record the results.

(3) An employer or contractor shall not require or permit any hot work to be performed in the vicinity of a material that may constitute a fire hazard until suitable steps have been taken to reduce the risk of fire.

(4) An employer or contractor shall ensure that a container or piping that contains or has contained a flammable substance is purged using an effective method to remove the flammable substance from the container or piping before any hot work is begun on that container or piping.

(5) An employer or contractor shall not require or permit any welding or cutting of metal that has been cleaned with a flammable or combustible liquid until the metal has thoroughly dried.

31 Dec 2020 cS-15.1 Reg 10 s25-12.

Compressed and liquified gas systems

25-13(1) An employer or contractor shall:

(a) develop and implement written procedures for the safe installation, use and maintenance of a system;

(b) make readily available for reference by workers the procedures developed pursuant to clause (a) before requiring or permitting the use of the system; and

(c) ensure that all workers are trained in and implement the procedures developed pursuant to clause (a).

(2) The workers shall implement the procedures developed pursuant to clause (1)(a).

(3) An employer or contractor shall ensure:

(a) that a system:

(i) is not exposed to temperatures that may result in the failure of the system or explosion of the contents of the system;

(ii) is maintained in a clean state, free from oil, grease or other contaminant that may cause a failure of the system or that may burn or explode if the contaminant comes into contact with the contents of the system; and

(iii) is located, guarded and handled during filling, transportation, use and storage so that the system is protected from damage;

(b) that service valve outlets and the extensions of service valve outlets of containers that are not connected to any apparatus are capped; and

(c) if equipment is designed for use with a particular compressed or liquified gas or gases, that:

(i) only those gases are used in the equipment; and

(ii) the equipment is clearly labelled as being only for that use.

(4) A worker shall:

(a) take all reasonable steps to ensure that sparks, flames or other sources of ignition do not come into contact with a system;

(b) maintain a system in a clean state, free from oil, grease or any other contaminant; and

(c) secure the cap in place before transporting a container.

31 Dec 2020 cS-15.1 Reg 10 s25-13.

Oxygen

25-14(1) An employer or contractor shall ensure that no oil, grease or other contaminant contacts a cylinder, valve, regulator or any other fitting of an oxygen-using apparatus or an oxygen distribution or generating system.

(2) An employer or contractor shall ensure that oxygen is not used as a substitute for compressed air:

(a) in pneumatic tools;

(b) to create pressure;

(c) for ventilating purposes; or

(d) to blow out a pipeline.

(3) A worker shall not use oxygen as a substitute for compressed air:

(a) in pneumatic tools;

(b) to create pressure;

(c) for ventilating purposes; or

(d) to blow out a pipeline.

31 Dec 2020 cS-15.1 Reg 10 s25-14.

Gas burning and welding equipment

25-15(1) If gas burning or welding equipment is in use, an employer or contractor shall ensure that:

(a) approved flashback devices are installed on both hoses at the regulator end; and

(b) acetylene and liquified gas containers are used and stored in an upright position.

(2) A worker shall shut off the container valve and release the pressure in the hose when the worker has finished with any gas burning or welding equipment and is not likely to use it within the next 2 hours.

31 Dec 2020 cS-15.1 Reg 10 s25-15.

Piping

25-16(1) If workers are required or permitted to work on piping that may contain harmful substances or substances under pressure, an employer or contractor, in consultation with the committee, shall develop written procedures to protect the workers from contact with those substances.

(2) The procedures developed pursuant to subsection (1) must include:

(a) the installation of a blank that is appropriate for the proper pressure in the piping;

(b) the closing of 2 blocking valves installed in the piping and the opening of a bleed-off valve installed between the blocking valves;

(c) the installation of an approved safety device; or

(d) if the procedures mentioned in clauses (a), (b) and (c) are not reasonably practicable, any other procedures that are adequate to protect the health and safety of the workers.

(3) An employer or contractor shall ensure that all workers are trained in and implement the procedures developed pursuant to subsection (1).

(4) An employer or contractor shall ensure that:

(a) the piping mentioned in clause (2)(a) is clearly marked to indicate that a blank has been installed; or

(b) the 2 blocking valves mentioned in clause (2)(b) or the approved safety device mentioned in clause (2)(c):

(i) are locked in the closed position and the bleed-off valve is locked in the open position; and

(ii) are tagged to indicate that the valves must not be activated until the tags are removed by a worker designated by the employer for that purpose.

(5) An employer or contractor shall ensure that a worker designated pursuant to subclause (4)(b)(ii):

(a) monitors the valves to ensure that they are not activated while a worker is working on the piping; and

(b) records on the tag mentioned in subclause (4)(b)(ii) the date and time of each monitoring and signs the tag each time the worker monitors the valves.

(6) An employer or contractor shall ensure that any valve installed on piping mentioned in this section is clearly marked to indicate the open and closed positions.

31 Dec 2020 cS-15.1 Reg 10 s25-16.

PART 26
Explosives

Application of Part

26-1 This Part applies to all blasting activities except blasting activities governed by *The Mines Regulations*.

31 Dec 2020 cS-15.1 Reg 10 s26-1.

Qualifications of workers

26-2(1) An employer or contractor who plans to conduct blasting activities shall ensure that a worker who is to undertake a blasting operation:

(a) has been thoroughly trained in:

(i) the estimation of the amount of explosives required, and in placing, priming and initiating the charge;

(ii) the appropriate procedures to be followed to ensure the safety of other workers;

(iii) the procedures to be followed in the event of a misfire; and

(iv) the examination of the site after blasting to ensure that it is safe to return to the site;

(b) has demonstrated competence to carry out the procedures mentioned in clause (a);

(c) has a thorough knowledge of all federal and provincial statutes, regulations and codes of practice pertaining to the safe use of explosives that are relevant to the blasting operation in question; and

(d) holds a written authorization to blast signed by the worker's employer.

(2) A worker shall not undertake a blasting activity until the worker possesses written authorization to blast signed by the worker's employer.

31 Dec 2020 cS-15.1 Reg 10 s26-2.

Written procedures

26-3(1) An employer or contractor shall ensure that appropriate written procedures are provided to a worker who conducts a blasting operation to ensure the safety of the worker and any other person in the vicinity of the blasting operation.

(2) A worker who undertakes a blasting activity shall follow the procedures provided by the employer or contractor pursuant to subsection (1).

31 Dec 2020 cS-15.1 Reg 10 s26-3.

Equipment

26-4 An employer or contractor shall provide a worker who is to undertake a blasting operation with suitable testing and detonating equipment.

31 Dec 2020 cS-15.1 Reg 10 s26-4.

Storage and transportation of explosives

26-5(1) An employer or contractor shall ensure that all explosives are stored or transported:

(a) in suitable sealed containers that are conspicuously marked "Danger - Explosives"; and

(b) in a manner that prevents the explosives from coming into contact with any flammable substance or other agent that may cause the explosives to detonate.

(2) An employer or contractor shall ensure that all explosives are kept in a secure location that is accessible only to authorized workers.

31 Dec 2020 cS-15.1 Reg 10 s26-5.

PART 27
Demolition Work

Definition for Part

27-1 In this Part, **"demolition"** means the tearing down, destroying, breaking up or razing of a structure, and includes the demolition of any major part of a structure that involves outer walls or principal supporting members.

31 Dec 2020 cS-15.1 Reg 10 s27-1.

Before demolition begins

27-2(1) Before a demolition begins, an employer, contractor or owner shall ensure that:

(a) all chemical or biological substances that may be hazardous to workers during demolition are removed from the structure or the part of the structure that is being demolished;

(b) all glass is removed from the structure or the part of the structure that is being demolished; and

(c) subject to subsection (2), all gas, electrical, telecommunications, sewer and water services connected to the structure or the part of the structure that is being demolished are disconnected.

(2) If power is required for illumination or other purposes, an employer, contractor or owner shall provide a suitably located temporary power service.

31 Dec 2020 c S-15.1 Reg 10 s27-2.

Stability of adjacent structures

27-3 If the demolition of a structure may affect the stability of an adjoining structure, an employer, contractor or owner shall ensure that:

(a) the demolition is carried out in accordance with procedures certified in writing by a professional engineer to safeguard the stability of the adjoining structure; and

(b) a copy of the procedures required by clause (a) is kept at the worksite during demolition.

31 Dec 2020 c S-15.1 Reg 10 s27-3.

Requirements re workers

27-4 In a demolition, an employer, contractor or owner shall:

(a) appoint a competent supervisor to be in charge of the demolition at all times that the work is in progress;

(b) ensure that all workers or equipment are located clear of any falling material; and

(c) if a worker is or may be present in a building during its demolition, ensure that the demolition is performed floor by floor from the top downward.

31 Dec 2020 c S-15.1 Reg 10 s27-4.

Demolition procedures

27-5 In a demolition, an employer, contractor or owner shall ensure that:

(a) dust from the demolition is controlled to the extent that is reasonably practicable;

(b) materials and debris are not allowed to accumulate in any area to the extent that the materials and debris cause overloading of a structure that could result in the collapse of all or part of the structure;

(c) any opening or hole in a floor, roof or other surface on which workers are required or permitted to walk or stand is guarded or covered as required by section 9-13;

(d) a free-standing scaffold is used in the demolition of a building shaft from the inside;

(e) steel structures are dismantled column length by column length and tier by tier from the top downward; and

(f) no wall or other part of the structure being demolished is left in an unstable condition or in danger of accidental collapse except during the actual demolition of that wall or part of the structure.

31 Dec 2020 c S-15.1 Reg 10 s27-5.

Material chutes

27-6(1) An employer, contractor or owner shall ensure that a material chute steeper than 45° from the horizontal is constructed to enclose the material placed in the chute.

(2) If a material chute presents a danger to workers, an employer, contractor or owner shall ensure that a guardrail is installed around the top of the chute to prevent workers from falling into the chute.

31 Dec 2020 c S-15.1 Reg 10 s27-6.

Structural members

27-7(1) An employer, contractor or owner shall ensure that structural members that are being removed are not under any stress other than the member's own weight and are secured or supported to prevent any unexpected movement.

(2) If a structural member is being hoisted by a crane or other similar lifting device from a structure being demolished or from the demolition rubble, an employer, contractor or owner shall ensure that the hoisting line is in a vertical position and is over the centre of gravity of the load in a manner that will reduce the danger to workers from a swinging or uncontrolled load.

31 Dec 2020 c S-15.1 Reg 10 s27-7.

Use of powered mobile equipment

27-8(1) Before powered mobile equipment is placed on a floor, roof or other surface on which workers are required or permitted to walk or stand for the purpose of demolishing a structure, an employer, contractor or owner shall ensure that the floor, roof or other surface is capable of supporting the load that may be placed on the floor, roof or other surface.

(2) If powered mobile equipment is used for the purpose of demolishing a structure, an employer, contractor or owner shall ensure that safe work procedures are developed and implemented.

31 Dec 2020 c S-15.1 Reg 10 s27-8.

Use of explosives

27-9 If a structure is to be demolished by explosives, an employer, contractor or owner shall:

(a) ensure that a competent person develops a demolition procedure to protect the health and safety of workers;

(b) submit a copy of the demolition procedure to the ministry not less than 30 days before the proposed date of the demolition; and

(c) ensure that the worker who undertakes the blasting activity has the training, competence and knowledge described in clauses 26-2(1)(a) to (c).

31 Dec 2020 cS-15.1 Reg 10 s27-9.

PART 28
Forestry and Mill Operations

Definitions for Part

28-1 In this Part:

"bucking" means sawing a log or felled tree into smaller lengths;

"chicot" means a dead or damaged tree or a dead or damaged limb of a tree;

"cutting" includes felling, limbing and bucking;

"felling" means cutting a tree from the tree's stump and bringing the tree to the ground;

"forestry operation" means the cutting or harvesting of trees, and includes the transporting of logs and the preparing of sites for tree planting and seeding;

"limbing" means removing limbs from a tree that has been felled;

"lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from the tree's stump or displaced from the tree's natural position;

"mill operation" means the operation of a pulp mill, paper mill, sawmill, plywood mill, wafer-board mill or strand-board mill, and includes the operation of equipment that is designed to manufacture or process wood products;

"skidder operator" means a worker who operates a skidder or who operates any other powered mobile equipment to perform the work of a skidder;

"skidding" means moving logs or trees by pulling the logs or trees across the terrain;

"snag" means any material or object that may interfere with the safe movement of a tree or log or that may endanger a worker;

"stake" means a wooden or metal post or a post made of other material of equivalent strength that is used to support and prevent the lateral movement of logs;

"windfall" means a tree blown down by wind;

"wood products" includes pulp, pulpwood, paper, veneer, plywood, lumber, timber, poles, posts, chips, wafers and other products resulting from a forestry operation.

31 Dec 2020 cS-15.1 Reg 10 s28-1.

Application of Part

28-2 This Part applies to all forestry operations and mill operations.

31 Dec 2020 cS-15.1 Reg 10 s28-2.

First aid attendant

28-3 Notwithstanding section 5-3, if a worker is cutting or skidding, an employer or contractor shall ensure that a first aid attendant with a class A qualification is readily available at all times.

31 Dec 2020 cS-15.1 Reg 10 s28-3.

Cutting and skidding – general requirements

28-4(1) During cutting and skidding operations, an employer or contractor shall ensure that:

(a) workers who do not have duties associated with cutting and skidding are not permitted to enter the area where those operations are carried out while they are being carried out;

(b) a worker fells all timber that is adjacent to a proposed landing or other place where workers will work and that may create a hazard to workers before the landing or other place is used;

(c) no worker fells a tree within range of a travelled road unless effective means are taken to stop traffic until the tree has been felled and the tree and all debris that creates a risk to the health or safety of a worker have been removed from the road; and

(d) a worker closely limbs trees:

(i) before the trees are placed on a rollway; or

(ii) if the limbs may create a risk to the health or safety of a worker.

(2) An employer or contractor shall ensure that:

(a) no person enters a felling area unless the worker engaged in felling has advised the person entering the area that it is safe to enter;

(b) workers are instructed in, and comply with, the duties set out in subsection (3), subsection 10-13(4), sections 28-5 and 28-6, subsections 28-7(3), 28-9(3) and 28-10(2), section 28-12 and subsection 28-13(11);

(c) every worker engaged in conventional logging has, within 6 months after commencing employment, successfully completed an approved course in conventional logging safety; and

(d) a worker who has completed an approved course as required by clause (c) maintains any designation or certification that is earned through completing that course.

(3) A worker shall not work on a hillside below a cutting or skidding operation if a danger may exist from a tree or log rolling or moving downhill towards the worker.

31 Dec 2020 cS-15.1 Reg 10 s28-4.

Cutting

28-5 During cutting operations, a worker shall:

(a) remove any chicot or any other hazard to the worker or any other worker in the vicinity before any other tree is felled;

(b) remain at a safe distance from, and not fell a tree onto, any tree that is lodged or may be dangerous for any other reason; and

(c) move quickly to a predetermined safe position when a tree starts to fall.

31 Dec 2020 cS-15.1 Reg 10 s28-5.

Felling

28-6(1) Before starting to fell a tree, a worker shall:

(a) clear away adjacent brush to provide sufficient room to work and to provide a path at a 45° angle from the direction opposite to the planned direction of fall to a safe position; and

(b) ensure that no other worker is located closer than 60 metres to the tree being felled.

(2) Before a felling cut is begun on a tree with a trunk that has a diameter of 15 centimetres or more, a worker shall:

(a) undercut the trunk to control the direction of the fall; and

(b) ensure that:

(i) the depth of the undercut is at least 1 third of the diameter of the tree trunk at that point; and

(ii) both cuts that form the undercut meet at that depth.

(3) After making an undercut, a worker shall:

(a) remove the wood from the undercut before the back cut is started and leave sufficient holding wood in the back cut side to control the direction of the fall of the tree; and

(b) ensure that the back cut is above the undercut at a distance that does not exceed 100 millimetres from the undercut.

(4) If a worker cannot safely complete the felling of a tree or a tree that a worker is felling has become unsafe, the worker shall:

(a) remain in the area in a safe location: and

(b) do no further work until a skidder operator fells the tree.

31 Dec 2020 cS-15.1 Reg 10 s28-6.

Partially cut trees

28-7(1) Subject to subsection (2), if a tree is partially cut, an employer or contractor shall ensure that the worker immediately completes the felling of the tree.

(2) If a partially cut tree cannot be completely felled or sits back on the stump, an employer or contractor shall ensure that the worker remains in the area in a safe location and does no further work until a skidder operator assists the worker to fell the tree safely.

(3) A worker shall not fell a tree or undertake any other activity until every partially cut tree in the vicinity and every tree in the vicinity that sits back on its stump has been felled.

31 Dec 2020 cS-15.1 Reg 10 s28-7.

Lodged trees

28-8(1) If there is a lodged tree, an employer or contractor shall ensure that:

(a) the tree is felled immediately by a skidder operator;

(b) the tree is not climbed by a worker;

(c) a worker does not lower the tree by felling another tree onto the lodged tree; and

(d) a worker does not remove the lodged tree by cutting the supporting tree.

(2) An employer or contractor shall ensure that no worker, other than the worker who is felling a lodged tree, enters the felling area until it is safe to do so.

31 Dec 2020 cS-15.1 Reg 10 s28-8.

Mechanized fellers and limbers

28-9(1) An employer or contractor shall ensure that:

(a) a mechanized feller or limber is provided with:

(i) adequate protection for the operator, including protection against any falling tree or part of a tree; and

(ii) a cab for the operator with 2 exits through which the operator can readily escape; and

(b) a mechanized feller is designed and equipped to direct the fall of the tree away from the mechanized feller.

(2) An employer or contractor shall ensure that:

(a) no worker operates a mechanized feller or limber in a location where the stability of the machine cannot be assured; and

(b) no worker operates a mechanized feller within 60 metres of a worker who may be endangered by a falling tree or part of a tree.

(3) A worker shall not:

(a) operate a mechanized feller or limber in a location where the stability of the machine cannot be assured; or

(b) operate a mechanized feller within 60 metres of a worker who may be endangered by a falling tree or part of a tree.

31 Dec 2020 cS-15.1 Reg 10 s28-9.

Bucking and limbing

28-10(1) If a worker is bucking or limbing, an employer or contractor shall ensure that the worker:

(a) clears away any brush or object that may create a hazard to the worker;

(b) does not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the side of the tree or log on which the worker is located;

(c) remains at least 60 metres from any tree being felled;

(d) remains in a location safe from any tree or log being skidded or otherwise moved; and

(e) works only on the uphill side of any log that is lying on an incline.

(2) While bucking or limbing, a worker:

(a) shall clear away any brush or object that may create a hazard to the worker;

(b) shall not move forward while limbing a tree or log unless the worker is limbing on the side of the tree or log that is opposite to the side of the tree or log on which the worker is located;

(c) shall remain at least 60 metres from any tree being felled;

(d) shall remain in a location safe from any tree or log being skidded or otherwise moved; and

(e) shall work only on the uphill side of any log that is lying on an incline.

31 Dec 2020 cS-15.1 Reg 10 s28-10.

Skidding

28-11(1) During skidding operations, an employer or contractor shall ensure that:

(a) every snag, chicot, lodged tree or windfall that may be hazardous and that is located along or adjacent to a skid trail, haul road or landing is removed; and

(b) a skidder operator pulls down any tree that is lodged or is dangerous for any other reason immediately when the lodged or dangerous tree is reported to the skidder operator.

(2) An employer or contractor shall ensure that a winching machine is equipped with suitable safeguards to protect the operator from flying objects.

(3) An employer or contractor shall ensure that:

(a) no worker other than a skidder operator is required or permitted to ride on any skidder except if the skidder is provided with a second seat that is adequately protected;

(b) a skidder operator is required to discontinue operating when the operation of the skidder may endanger another worker until it is possible for the operation to proceed without danger to the other worker;

(c) a skidder operator does not operate a skidder within 60 metres of a worker who is felling a tree until the worker has signalled that it is safe to operate the skidder; and

(d) a skidder operator does not operate a skidder near the edge of a bank, fill, excavation, incline or any other place where the skidder cannot safely be controlled.

(4) An employer or contractor shall ensure that the skidder operator applies the brakes and, if the terrain is uneven, lowers the blade to the ground when the skidder operator temporarily gets off the skidder.

(5) When a skidder operator parks a skidder, an employer or contractor shall ensure that the skidder operator parks the skidder on even ground and lowers the blade to the ground.

31 Dec 2020 c S-15.1 Reg 10 s28-11.

Skidder operators' responsibilities

28-12(1) A skidder operator shall:

(a) remove every snag, chicot, lodged tree or windfall that may be hazardous or that is located along or adjacent to any skid trail, haul road or landing; and

(b) if advised that a tree is lodged or otherwise dangerous, immediately remove the tree.

(2) A skidder operator shall not operate the winch at an angle that may cause the skidder to overturn.

(3) A skidder operator shall:

(a) keep any loose winch cable wound up on the winch drum and any choker clear of the ground during travel;

(b) ensure that no worker is located under or near the winch cable or choker cables or in a position to be struck by a winch cable or choker cable if the cable breaks or comes loose; and

(c) attach any choker cable applied to a log no farther from the end of the log than 1 metre.

(4) Before moving a log, a skidder operator shall ensure that no other worker may be endangered by moving the log.

(5) A skidder operator:

(a) shall not operate the skidder winch except from the seat provided unless a remote control device is provided and used from a safe winching position; and

(b) shall operate the skidder at a speed and in a manner that will prevent the skidder overturning.

(6) When skidding logs to a landing, a skidder operator shall winch the drag up tight to the rear of the skidder to prevent uncontrolled movement of the logs.

(7) If a worker is attaching a choker to a log on sloping ground, a skidder operator shall lower the blade of the skidder to the ground.

(8) When temporarily getting off a skidder, a skidder operator shall apply the brakes and, if the terrain is uneven, lower the blade to the ground.

(9) When parking a skidder, a skidder operator shall park the skidder on even ground and lower the blade to the ground.

31 Dec 2020 cS-15.1 Reg 10 s28-12.

Loading, unloading and hauling logs

28-13(1) If a worker is loading or unloading logs, an employer or contractor shall ensure that the loading and unloading areas are suitably graded and maintained appropriately for the equipment that is being used.

(2) If a worker is loading or unloading logs with a crane or other type of mechanical loader, an employer or contractor shall ensure that no worker is required or permitted to stand or work under the path of the bucket, grapple or load.

(3) If a worker is or may be at risk from logs suspended over or near the cab of a vehicle, an employer or contractor shall ensure that the worker is not required or permitted to remain in the cab.

(4) An employer or contractor shall ensure that a worker who is not actively engaged in a loading or unloading operation:

(a) remains at a safe distance from the operation in clear view of the operator; or

(b) if the hazard mentioned in subsection (3) does not exist, remains in the cab of the vehicle.

(5) If a worker is operating a loader equipped with a clam, an employer or contractor shall ensure that the jaws of the clam secure the entire load.

(6) If a loader is equipped with a fork, an employer or contractor shall ensure that rear stoppers are provided that are designed and sufficiently strong to prevent any log from falling back on the operator.

(7) An employer or contractor shall ensure that:

(a) a log yard is constructed, arranged, maintained and operated so that a worker may work without exposure to danger from any moving log or equipment; and

(b) a worker does not build a log pile to a height greater than a height that can be safely handled by the equipment used in the stacking and breaking down of the log deck.

(8) An employer or contractor shall ensure that no worker is required or permitted to work on, under or beside the haul unit during loading or unloading.

(9) If an operator does not have a clear view of the entire loading or unloading operation, an employer or contractor shall ensure that a signaller with a clear view of the operation and visible to the operator is designated pursuant to subsection 9-21(1) to give all signals necessary to ensure the safety of a worker involved in the loading or unloading operation.

(10) An employer or contractor shall ensure that a worker:

(a) restrains the top log on the outside edge of a vehicle by at least 2 stakes; and

(b) secures the log load on a vehicle:

(i) to the vehicle body with tie-downs of sufficient size and strength to restrain the logs;

(ii) between each set of stakes; and

(iii) by at least 2 tie-downs at the rear of the load.

(11) A worker who is engaged in loading or unloading logs shall:

(a) before shutting down and leaving the loader, lower the clam or forks, put the loader in neutral and apply the brakes;

(b) while manually loading, unloading, decking or breaking piles, work only at the end of the logs; and

(c) while loading or unloading logs, work in a safe position in clear view of the operator or signaller.

31 Dec 2020 cS-15.1 Reg 10 s28-13.

Vehicles used to haul logs

28-14 An owner of a vehicle used to haul logs shall ensure that:

(a) the vehicle is equipped with a bulkhead installed between the cab and the load that is of sufficient size and strength to resist any impact caused by a shifting load;

(b) stakes used to restrain logs on the vehicle are designed, constructed and installed to safely support any load placed against the stakes; and

(c) stake extensions are of a strength equivalent to the strength of the stake and positively secured to the stake to prevent inadvertent detachment.

31 Dec 2020 cS-15.1 Reg 10 s28-14.

Log carriages

28-15(1) If sawmill log carriages are used, an employer or contractor shall ensure that no worker is required or permitted to ride on a log carriage.

(2) If the area immediately behind a log carriage is used as a walkway, an employer or contractor shall ensure that a guardrail is installed between the walkway and the carriage for the full extent of the carriage travel.

(3) An employer or contractor shall ensure that:

(a) suitable devices are installed to stop a log carriage at the end of the carriage's travel in each direction;

(b) a log carriage is equipped with a suitable headblock that is equipped with suitable dogs that are used to secure the log during the sawing operation;

(c) a log carriage is provided with a safety device that will ensure that the headblock cannot be moved to a position within 30 millimetres of the saw blade;

(d) sweepers are provided in front and at the back of a log carriage to remove all obstructions from the track;

(e) a power-driven log carriage is propelled by a wire rope that is:

(i) of sufficient strength to propel the log carriage safely; and

(ii) maintained in safe operating condition;

(f) the sawyer's lever operating the carriage drive mechanism is designed and installed so that the movement of the lever is in the opposite direction to the carriage travel, except when the sawyer's position and controls are enclosed or isolated from the hazards of the carriage; and

(g) means are provided to securely lock the sawyer's log turning and carriage control levers.

(4) An employer or contractor shall ensure that the sawyer engages the carriage control lever lock before leaving the sawyer's position.

31 Dec 2020 cS-15.1 Reg 10 s28-15.

Sawmill head rigs

28-16(1) If a sawmill head rig is operated, an employer or contractor shall ensure that:

(a) a circular blade sawmill is equipped with suitable saw guides that can only be adjusted from outside the husk;

(b) husks are completely enclosed and are provided with a substantial, securely hinged cover;

(c) a solid splitter is provided that:

(i) has a leading edge that is adjacent to and conforms to the curvature of the saw blade; and

(ii) extends above the carriage deck a distance of not less than 1 quarter of the diameter of the saw blade in use;

(d) a substantial safeguard is provided over the lower portion of the head saw blade under the carriage tracks and extends at least 15 centimetres below the bottom of the largest size saw blade in use;

(e) a substantial heavy-mesh screen or other suitable material is securely placed between the saw blade and the sawyer's position to protect the sawyer from any throw-backs from the saw;

(f) mesh screens required by clause (e) are backed by a small-mesh screen or other effective safeguard located on the sawyer's side of the heavy screen to protect the sawyer from small flying particles;

(g) a power unit driving a sawmill is equipped with an emergency stopping device located within immediate reach of the sawyer; and

(h) the yard end of an elevated log deck rollway is equipped with a device that will prevent logs from rolling back into the mill yard.

(2) An employer or contractor shall ensure that the support structure for a top saw is of sufficient size and strength to withstand any forces imposed on the saw.

31 Dec 2020 c S-15.1 Reg 10 s28-16.

Trimmer saws

28-17 An employer or contractor shall ensure that a trimmer saw blade is equipped with a safeguard that allows the passage of material being cut, exposes a minimum amount of the saw blade and protects workers from flying debris.

31 Dec 2020 c S-15.1 Reg 10 s28-17.

Edgers

28-18(1) An employer or contractor shall ensure that:

(a) the top of an edger is covered effectively to control flying debris;

(b) the roll of an edger is kept in contact with the material being cut; and

(c) an edger is equipped with an effective kickback device to protect workers from material thrown from either end of the edger.

(2) An employer or contractor shall ensure that an overhead or double arbour saw edger is provided with a safeguard to protect workers from material thrown from the infeed rolls or the outfeed rolls.

31 Dec 2020 cS-15.1 Reg 10 s28-18.

Bandsaws

28-19 An employer or contractor shall ensure that:

(a) the saw blades of a bandsaw are enclosed or guarded between the top guideroll and the table, except on the working side of the blade;

(b) bandsaw wheels are fully enclosed; and

(c) bandsaw machines are provided with an effective automatic tension control device.

31 Dec 2020 cS-15.1 Reg 10 s28-19.

Feedrolls of resaws

28-20 An employer or contactor shall ensure that the feedrolls of a resaw are protected with semi-cylindrical metal guards to prevent the hands of a worker from coming in contact with the roll.

31 Dec 2020 cS-15.1 Reg 10 s28-20.

Dry kilns

28-21 An employer or contractor shall ensure that:

(a) before the heating process is begun, no worker remains in a dry kiln; and

(b) a dry kiln is equipped with a readily identifiable escape door or kick out panel that measures not less than 600 millimetres by 600 millimetres.

31 Dec 2020 cS-15.1 Reg 10 s28-21.

PART 29
Oil and Gas

Definitions for Part

29-1 In this Part:

"derrick" means a stationary or portable structure that is used to support the hoisting and lowering mechanism on a rig;

"drilling rig" means the derrick and all equipment that is directly involved with drilling a well or producing oil or gas from a well;

"flush-by" means a pumping unit that is used to loosen formation deposits in a well;

"rig" includes a drilling rig and a well servicing rig;

"swabbing unit" means equipment that uses wire rope to lift fluids from a well;

"well servicing rig" means all equipment directly involved with servicing a well;

"well testing" means evaluating the productivity of a well and the quality of the product.

31 Dec 2020 cS-15.1 Reg 10 s29-1.

Application of Part

29-2 This Part applies to all drilling procedures for the exploration of oil and gas and to the drilling, operation and servicing of a gas well or an oil well, the production of oil or gas from a well and the ancillary processes associated with these activities.

31 Dec 2020 cS-15.1 Reg 10 s29-2.

Supervisors

29-3(1) An employer, contractor or owner shall appoint a competent person to supervise any oil or gas exploration, drilling, servicing, testing or production operation.

(2) An employer, contractor or owner shall ensure that the supervisor appointed pursuant to subsection (1) is knowledgeable about, and experienced in the following matters that are within the area of the supervisor's responsibility:

(a) safe work practices, including the safe operation of any plant at the place of employment;

(b) the safe handling, use and storage of hazardous substances;

(c) well control and blowout prevention;

(d) the detection and control of worker exposure to hydrogen sulphide;

(e) the handling, use, maintenance and storage of personal protective equipment;

(f) the appropriate response to any emergency situation at the place of employment;

(g) the duties and responsibilities of all workers being supervised by the supervisor;

(h) the training of workers being supervised by the supervisor in safe work practices and procedures.

(3) An employer, contractor or owner who has appointed a supervisor pursuant to subsection (1) shall:

(a) give written notice to all employers and self-employed persons who are involved in the operation of the name, method of contact, duties and responsibilities of the supervisor; and

(b) obtain written acknowledgement from each employer or self-employed person involved in the operation that the employer or self-employed person has received the notice required by clause (a) and has agreed to accept the direction of the supervisor.

31 Dec 2020 cS-15.1 Reg 10 s29-3.

Daily tour book

29-4 An employer, contractor or owner shall:

(a) provide for each rig a daily tour book and ensure that the book is kept at the site of the rig;

(b) ensure that all details of any inspection required by this Part, any repair made and all work activities undertaken at the site of the rig are recorded in the daily tour book;

(c) ensure that the record required by clause (b) is signed by the worker who performs the inspection; and

(d) ensure that the supervisor reviews the entries for the day in the tour book and signs the tour book daily.

31 Dec 2020 cS-15.1 Reg 10 s29-4.

Routine inspections

29-5(1) An employer, contractor or owner shall ensure that a rig is inspected by a competent person before commencing operations and at least every 30 working days after that.

(2) If a defect or unsafe condition is identified during an inspection, an employer, contractor, owner or supplier shall ensure that:

(a) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(b) as soon as is reasonably practicable, any defect is repaired and any unsafe condition is corrected.

31 Dec 2020 cS-15.1 Reg 10 s29-5.

General requirements re design, etc., of rig

29-6(1) An employer, contractor or owner shall ensure that a rig and all of its auxiliary equipment are designed, constructed, installed, maintained and operated so as to fulfil their intended purposes safely.

(2) An employer, contractor or owner shall ensure that:

(a) the maximum safe operating depth of a rig, based on the design of the equipment, for each specified condition and operation is determined and certified by the manufacturer or a professional engineer;

(b) the maximum safe operating load of a derrick is determined and certified by the manufacturer or a professional engineer;

(c) the maximum safe operating depth and maximum safe operating load determined in accordance with clauses (a) and (b) are prominently displayed on the rig and are not exceeded;

(d) any structural change or repair to a derrick is certified as safe by a professional engineer before the derrick is used; and

(e) if a structural change or repair is made to a rig, the maximum safe operating depth of the rig and maximum safe operating load of the derrick are redetermined and recertified by a professional engineer and displayed on the rig.

(3) If the substructure of a rig is enclosed, an employer, contractor or owner shall ensure that the substructure is ventilated in accordance with the requirements of sections 6-2 to 6-4.

31 Dec 2020 cS-15.1 Reg 10 s29-6.

Flush-by and swabbing units

29-7(1) An employer, contractor or owner shall ensure that a flush-by or a swabbing unit is designed, constructed, installed, maintained and operated so as to fulfil the unit's intended purpose safely.

(2) An employer, contractor or owner shall ensure that a flush-by or swabbing unit is not used to flow fluids back into an attached tank.

31 Dec 2020 cS-15.1 Reg 10 s29-7.

Securing parts of rig

29-8(1) An employer, contractor or owner shall ensure that any part of a rig, and any equipment attached to a rig, that may endanger a worker if it fails, moves or falls is secured to eliminate the danger.

(2) An employer, contractor or owner shall ensure that the driller's position on a rig is protected from any hazard created by the cathead or tong lines.

(3) An employer, contractor or owner shall ensure that the workers on a drilling rig floor are protected from any hazard created by the cathead or tong lines.

31 Dec 2020 cS-15.1 Reg 10 s29-8.

Raising and lowering derricks

29-9(1) Before a derrick is raised or lowered, an employer, contractor or owner shall ensure that a complete inspection of all of the derrick's parts is made by a competent person.

(2) An employer, contractor or owner shall ensure that:

(a) a competent person is in charge of, and present during, the raising and lowering of a derrick; and

(b) a derrick is raised or lowered in accordance with the manufacturer's specifications.

31 Dec 2020 cS-15.1 Reg 10 s29-9.

Rig sites and foundations

29-10 An employer, contractor or owner shall ensure that:

(a) the site of a rig is constructed and maintained so that oil, water, drilling fluid and other fluids will drain away from the wellbore; and

(b) the foundation of a rig is capable of safely supporting the gross weight of the derrick under the maximum anticipated hook load and any load imposed during raising and lowering of the derrick.

31 Dec 2020 c S-15.1 Reg 10 s29-10.

Guy lines

29-11 An employer, contractor or owner shall ensure that:

(a) guy lines, if required by the manufacturer, are installed on a derrick so that the number, spacing and specifications of the guy lines and the spacing, capacity and specifications of guy line ground anchors:

(i) meet the requirements of an approved standard; or

(ii) are designed and certified as safe by a professional engineer; and

(b) instructions for the number, spacing and specifications of guy lines and the spacing, capacity and specifications of guy line ground anchors are displayed by means of a plate fixed to the derrick or by a specification sheet that is readily available to workers at the rig.

31 Dec 2020 c S-15.1 Reg 10 s29-11.

Platforms, ladders and stairways

29-12(1) An employer, contractor or owner shall ensure that:

(a) a derrick is equipped with a fixed ladder or ladders providing access from the derrick floor to the crown platform and to each intermediate platform; and

(b) platforms are provided:

(i) on a drilling rig, at the fourble board, stabbing board and crown; and

(ii) on a service rig, at the tubing board and rod basket.

(2) An employer, contractor or owner shall ensure that a derrick floor and all stairways, ladders, ramps, catwalks and platforms are kept free of obstructions that may hinder or prevent the exit of workers.

31 Dec 2020 c S-15.1 Reg 10 s29-12.

Means of escape

29-13(1) An employer, contractor or owner shall ensure that a derrick is equipped with a specially rigged and securely anchored auxiliary escape line that provides a ready, safe and convenient means of escape from the fourble board and the crown in the derrick.

(2) An escape line required by subsection (1) must be a wire rope with a minimum diameter of 11.5 millimetres and must be installed with a safety buggy that is equipped with a braking device.

(3) An employer, contractor or owner shall ensure that:

(a) the tension on an escape line is sufficient to ensure that a worker descending the escape line can stop 6 metres from the ground anchor point;

(b) an escape line is clearly marked and protected from physical damage;

(c) an escape line is visually inspected by a competent person at least once a week; and

(d) a path of escape is kept free of obstruction.

(4) An employer, contractor or owner shall ensure that no worker is required or permitted to slide down a pipe, tube, rod, kelly, cable or rope line on a derrick except in an emergency.

31 Dec 2020 cS-15.1 Reg 10 s29-13.

Full-body harness

29-14 An employer, contractor or owner shall ensure that a worker who is working on a rig at a height of 3 metres or more above the derrick floor or other working surface uses an approved full-body harness that meets the requirements of Part 7.

31 Dec 2020 cS-15.1 Reg 10 s29-14.

Fuel storage

29-15 An employer, contractor or owner shall ensure that:

(a) no gasoline or liquid fuel, other than diesel fuel or fuel in the tank of an operating machine, is stored within 20 metres of a well; and

(b) any drainage from a fuel storage container on a worksite runs in a direction away from the well.

31 Dec 2020 cS-15.1 Reg 10 s29-15.

Pressure relief devices

29-16(1) An employer, contractor, owner or supplier shall ensure that every drilling fluid pump and servicing fluid pump is equipped with a pressure relief device in accordance with this section.

(2) A pressure relief device must be installed on the discharge side of a positive displacement drilling fluid pump or servicing fluid pump.

(3) There must not be a valve between a drilling service pump or servicing fluid pump and a pressure relief device.

(4) A pressure relief device must be set to discharge at a pressure not in excess of the maximum working pressure for which the drilling fluid pump or servicing fluid pump and the connecting pipes and fittings have been designed.

(5) A pressure relief device and its components must be of a design and strength specified in the manufacturer's design specifications for the pressure relief device.

(6) An employer, contractor or owner shall ensure that fluids or materials discharged through a pressure relief device are piped to a place where they will not endanger workers.

(7) The diameter of piping connected to the pressure side and discharge side of a pressure relief device must not be smaller than the diameter of the openings to the device.

(8) The piping on the discharge side of a pressure relief device must be:

(a) secured to prevent movement; and

(b) sloped to drain fluids away from the discharge outlet.

(9) A mud gun used for jetting must be securely anchored.

(10) Valves of the quick closing type must not be used on the discharge line from a drilling fluid pump or servicing fluid pump.

(11) An employer, contractor or owner shall ensure that a drilling fluid pump or servicing fluid pump is protected against freezing.

(12) An employer, contractor or owner shall ensure that a fluid pump using a pressure relief device is routinely inspected by a competent person to ensure the pressure relief device is in good operating condition.

31 Dec 2020 c S-15.1 Reg 10 s29-16.

Catheads

29-17(1) An employer, contractor or owner shall ensure that no worker is required or permitted to use rope-operated friction catheads for hoisting on a rig.

(2) An employer, contractor or owner shall ensure that every automatic cathead is equipped with a separate control unless:

(a) the cathead is equipped with dual purpose controls; and

(b) a locking device is installed to prevent one cathead from being engaged accidentally while the other cathead is in operation.

31 Dec 2020 c S-15.1 Reg 10 s29-17.

Spudding in

29-18 An employer, contractor or owner shall ensure that spudding in is not begun until:

(a) all safeguards required by these regulations are in place;

(b) all platforms, stairways, handrails and guardrails are installed and securely fastened in position; and

(c) the auxiliary escape line required by section 29-13 is installed and inspected.

31 Dec 2020 c S-15.1 Reg 10 s29-18.

Operating controls

29-19(1) An employer, contractor, owner or supplier shall ensure that:

(a) all operating controls of a rig are installed at the operator control panel and clearly labelled as to the function of the control;

(b) if there is a danger of any operating control being engaged by accidental contact, the controls are protected by a safeguard;

(c) an engine shut-down device is installed at the operator control panel; and

(d) all hoist controls are designed to return to the neutral position when released.

(2) A worker who is in charge of the operating controls of the drawworks shall ensure that all other workers are clear of the equipment and lines before putting the drawworks in motion.

31 Dec 2020 c S-15.1 Reg 10 s29-19.

Travelling blocks

29-20 An employer, contractor, owner or supplier shall ensure, with respect to a travelling block, that:

(a) every hook to which equipment is directly or indirectly attached is equipped with a positive locking device to prevent accidental release of the load being hoisted or lowered;

(b) the travelling block and every hook, elevator, elevator link and unit of travelling equipment is free of any projecting bolt, nut, pin or part;

(c) an upward travel limiting device is installed on every rig and tested once during each shift; and

(d) the upward travel limiting device mentioned in clause (c) disengages the power to the hoisting drum and applies the brakes to prevent the travelling block from contacting the crown structure.

31 Dec 2020 c S-15.1 Reg 10 s29-20.

Counterweights

29-21 An employer, contractor or owner shall ensure that no counterweight comes within 2.3 metres of the derrick floor unless the counterweight is fully encased and running in permanent guides.

31 Dec 2020 c S-15.1 Reg 10 s29-21.

Weight indicators

29-22 An employer, contractor or owner shall ensure that:

(a) the hoist mechanism of a rig is equipped with a reliable weight indicator; and

(b) a weight indicator mentioned in clause (a) that is hung above the derrick floor is secured against falling by means of a secondary cable or chain.

31 Dec 2020 c S-15.1 Reg 10 s29-22.

Drawworks

29-23(1) An employer, contractor or owner shall ensure that the drawworks on every drilling rig is equipped with an automatic feed control.

(2) An employer, contractor or owner shall ensure, with respect to the drawworks on a rig, that:

(a) the mechanism installed or used to hold down the brakes in the engaged position is designed to prevent accidental disengagement;

(b) a competent person tests the brakes at the beginning of each shift and inspects the brakes at least weekly to ensure that they are in good working order; and

(c) controls are not left unattended while the hoist drum is in motion except during drilling.

31 Dec 2020 c S-15.1 Reg 10 s29-23.

Drill pipes, tubing, etc.

29-24(1) If a drill pipe, drill collar or tubing is racked in a derrick, an employer, contractor or owner shall ensure that provision is made for the complete drainage of fluids or gases from the drill pipe, drill collar or tubing.

(2) An employer, contractor or owner shall ensure that a drill pipe, drill collar, tubing, casing or rod that is racked in a derrick is secured to prevent it from falling.

(3) Before running a drill pipe, drill collar, tubing or casing in a wellbore, an employer, contractor or owner shall ensure that the drill pipe, drill collar, tubing or casing is free from ice plugs or other obstructions.

31 Dec 2020 c S-15.1 Reg 10 s29-24.

Material racks

29-25(1) An employer, contractor, owner or supplier shall ensure that material racks are designed and constructed to prevent material from rolling off the rack.

(2) An employer, contractor, owner or supplier shall ensure that workers:

(a) transfer to and from storage, move and handle material in a controlled and safe manner; and

(b) hoist material into and out of a derrick in a controlled and safe manner.

31 Dec 2020 c S-15.1 Reg 10 s29-25.

Rotary tongs

29-26 An employer, contractor, owner or supplier shall ensure that a rotary tong is provided with:

(a) a primary safety device to prevent uncontrolled movement of the tong; and

(b) a secondary safety device that will prevent uncontrolled movement of the tong if the primary device fails.

31 Dec 2020 c S-15.1 Reg 10 s29-26.

Rotary tables

29-27(1) If visibility on the derrick floor is obscured, an employer, contractor or owner shall ensure that no worker works on a derrick floor while the rotary table is in motion.

(2) An employer, contractor or owner shall ensure that rotary table motion is not used for the final make up or initial breaking out of a pipe connection.

(3) An employer, contractor or owner shall not require or permit a worker:

(a) to handle or use hoses, lines or chains near a rotary table while the rotary table is in motion; or

(b) to engage a rotary table drive until all workers and materials are clear of the rotary table.

(4) No worker shall:

(a) handle or use hoses, lines or chains near a rotary table while the rotary table is in motion; or

(b) engage a rotary table drive until all workers and materials are clear of the rotary table.

31 Dec 2020 c S-15.1 Reg 10 s29-27.

Exits from enclosures

29-28 On a drilling rig, an employer, contractor or owner shall ensure that:

(a) safe exits from a derrick floor enclosure to ground level are provided on at least 3 sides of the derrick floor;

(b) all doors of a derrick floor enclosure open away from the wellbore and, if reasonably practicable, onto a platform that leads to a stairway;

(c) 1 stairway is installed from the ground to the derrick floor beside the ramp; and

(d) pump house and boiler house enclosures have at least 2 exits that lead in different directions to the outside.

31 Dec 2020 c S-15.1 Reg 10 s29-28.

Rig tanks or pits

29-29 An employer, contractor or owner shall ensure that a rig tank or pit used to circulate drilling fluids contaminated with flammable material is protected from all sources of ignition.

31 Dec 2020 c S-15.1 Reg 10 s29-29.

Drill stem testing

29-30 During drill stem testing, an employer, contractor or owner shall ensure that:

(a) if fluids are encountered, the mud can and test plug are used on every joint of pipe that is disconnected unless the drill stem contents have been pumped out and replaced with drilling fluid;

(b) motors and engines that are not required in the testing operation are shut off;

(c) no motor vehicle is operated within 25 metres of the wellbore;

(d) if swivel joints are used in the piping system, the source and discharge ends of the piping system are secured in a manner that will prevent whipping and flailing of the pipe if the pipe separates from the source or discharge connection;

(e) if hydrocarbons or hydrogen sulphide may accumulate, hydrogen sulphide and hydrocarbon monitors are installed, with the readouts clearly visible to the driller on the derrick floor;

(f) the hydrogen sulphide monitor is capable of detecting hydrogen sulphide at a concentration of 14 milligrams per cubic metre of air, is calibrated and tested before use and is properly maintained;

(g) if hydrogen sulphide or hydrocarbons are found to be present at levels that may place a worker at risk, the formation fluids in the drill stem are replaced with drilling fluid and circulated to a flare pit or holding tank that is not less than 45 metres from the well;

(h) a tank level alarm that is clearly audible to the driller on the derrick floor or a tank level indicator is installed on the trip tank and is properly maintained;

(i) a tank level indicator mentioned in clause (h) has a read-out that is clearly visible to the driller on the derrick floor; and

(j) before tripping the drill pipe out of the hole, reverse circulation procedures are implemented.

31 Dec 2020 c S-15.1 Reg 10 s29-30.

Swabbing

29-31 During swabbing operations using a well servicing rig, an employer, contractor or owner shall ensure that:

(a) fluids containing hydrocarbons that are used in or result from the swabbing operation are piped directly through a suitable degasser to a battery, skid tank, mobile trailer tank or tank truck located not less than 45 metres from the wellbore; and

(b) while fluids that are used in or result from the swabbing operation are being piped into a tank truck, the engine of the tank truck is shut down and the driver does not remain in the truck cab.

31 Dec 2020 c S-15.1 Reg 10 s29-31.

Well operation and servicing

29-32(1) During the servicing of a well, an employer, contractor or owner shall ensure that:

(a) if a pump may be circulating gaseous hydrocarbons, the fluids entering the rig tank first pass through a degasser;

(b) if a pump may be circulating gaseous hydrocarbons, the air intake and exhaust of the pump motor are located not less than 6 metres from the rig tank;

(c) the tank truck is located on the far side of the rig tank from the wellbore and at a distance of not less than 6 metres from the rig tank during loading and unloading;

(d) carbon dioxide suction lines are secured to the supply vehicle and pumping unit; and

(e) adequate warning signs prohibiting the presence of workers are positioned along the discharge pipelines before pressurization begins.

(2) Before fluids are unloaded into a wellhead, an employer, contractor or owner shall ensure that the lines between the pump and the wellhead are:

(a) designed and constructed to sustain the maximum anticipated pressure during service; and

(b) hydraulically pressure tested at a pressure that is not less than 10% above the maximum pressure anticipated during service.

(3) An employer, contractor or owner shall ensure that:

(a) swivel joints used with a hammer union are properly secured and of sufficient strength to withstand the stresses to which the joints may be subjected;

(b) oil savers are equipped with controls that can be readily operated from the rig floor; and

(c) a bleed-off valve is installed between a check valve and the wellhead.

31 Dec 2020 cS-15.1 Reg 10 s29-32.

Well stimulation

29-33(1) During well stimulation or any similar operation, an employer, contractor or owner shall ensure that:

(a) if a working pressure of 2 000 kilopascals or more is applied to the piping system, equipment located between a pump or sand concentrator and the wellhead is controlled remotely from a location outside the potential danger area;

(b) subject to subsection (2), no worker is required or permitted to enter the potential danger area while the system is pressurized;

(c) if liquid carbon dioxide or liquid nitrogen is being used, the pumping unit is designed and positioned so that the valve controls can be operated from the low pressure side of the system;

(d) a check valve is installed as close as is practicable to the wellhead except while cementing or selective acidizing is being done;

(e) if flammable fluids are being pumped during fracturing and acidizing treatment, approved and properly maintained fire suppression equipment is provided;

(f) the rubber mud line used on a cement pumper is not used in place of the kelly hose to break circulation; and

(g) all pumping units, blenders and endless tubing units are continuously bonded to ground.

(2) An employer, contractor or owner may permit a worker to enter the area between the check valve and the wellhead for the purpose of operating the bleed-off valve if the pumping motor is shut off before the worker enters the area.

31 Dec 2020 c S-15.1 Reg 10 s29-33.

Shot holes

29-34 With respect to a shot hole drilling operation, an employer, contractor or owner shall ensure that a pipe wrench used as a break out tong is equipped with a suitable hand guard on the pipe wrench handle.

31 Dec 2020 c S-15.1 Reg 10 s29-34.

Gas sample containers

29-35 An employer, contractor or owner shall ensure that containers and any piping and fittings used in the collection of gas samples are of sufficient strength to withstand all the pressure to which the containers, piping or fittings may be subjected and are designed, used and transported so as to prevent the accidental release of the contents.

31 Dec 2020 c S-15.1 Reg 10 s29-35.

Piping systems at well sites

29-36 An employer, contractor or owner shall ensure that:

(a) a piping system at a well site is designed, constructed, installed, operated and maintained to contain safely any material at the maximum operating pressures anticipated; and

(b) all pipe and components used in the piping system meet the requirements of an approved standard.

31 Dec 2020 c S-15.1 Reg 10 s29-36.

Breathing apparatus

29-37 At a rig, an employer, contractor or owner shall ensure that at least 2 atmosphere-supplying respirators that meet the requirements of section 7-5 are readily available for use in a rescue.

31 Dec 2020 c S-15.1 Reg 10 s29-37.

First aid attendants

29-38 Notwithstanding section 5-5, an employer, contractor or owner shall ensure that at least 1 first aid attendant with a class A qualification is readily available on each shift at each rig.

31 Dec 2020 c S-15.1 Reg 10 s29-38.

Procedures for flare tips, etc.

29-39 An employer, contractor or owner shall:

(a) prepare and implement written procedures to ensure the safety of workers in the lighting or operation of a flare tip, flare stack or flare line used at a worksite; and

(b) instruct all workers in the application of those procedures.

31 Dec 2020 cS-15.1 Reg 10 s29-39.

Plan for well testing

29-40(1) An employer, contractor or owner shall develop and implement a written plan that establishes the procedures to be followed by workers who conduct well testing.

(2) A plan required by subsection (1) must include:

(a) the responsibilities, qualifications and minimum number of testing personnel;

(b) the requirements for personal protective equipment; and

(c) start-up and operating procedures that are adequate to protect the health and safety of the workers.

(3) An employer, contractor or owner shall have a copy of the plan required by subsection (1) readily available for reference by workers.

31 Dec 2020 cS-15.1 Reg 10 s29-40.

PART 30
Additional Protection for Electrical Workers

Definitions for Part and Interpretation

30-1(1) In this Part:

"approved" means approved as defined in *The Electrical Inspection Act, 1993*;

"electrical equipment" means electrical equipment as defined in *The Electrical Inspection Act, 1993*;

"electrical worker":

(a) in the case of work of electrical installation as defined in *The Electrical Inspection Act, 1993* that is regulated by that Act, means a person who is authorized pursuant to *The Electrical Licensing Act* to perform that work;

(b) in the case of any work with electrical equipment that is not regulated by *The Electrical Inspection Act, 1993*, means a person who is qualified to perform that work;

"guarded" means covered, shielded, fenced, enclosed or otherwise protected by suitable covers, casings, barriers, rails, screens, mats, platforms or other equally effective means;

"high voltage" means any voltage over 750 volts;

"lamp" means an artificial source of electric light;

"luminaire" means a complete lighting unit that is designed to accommodate a lamp and to connect the lamp to an electrical power supply;

"readily accessible" means capable of being reached quickly for operation, renewal, or inspection, without requiring a worker to climb over or remove obstacles or to resort to portable means of access.

(2) Nothing in this Part shall be construed as authorizing:

(a) the performance of work by a person if it is unlawful for the person to perform that work because of *The Electrical Licensing Act*, *The Apprenticeship and Trade Certification Act, 1999* the regulations made pursuant to those Acts or any other Act or regulation;

(b) the use of electrical equipment if it is unlawful to use that equipment because of *The Electrical Inspection Act, 1993*, the regulations made pursuant to that Act or any other Act or regulation; or

(c) the performance of work in a particular manner if it is unlawful to perform the work in that manner because of *The Electrical Inspection Act, 1993*, the regulations made pursuant to that Act or any other Act or regulation.

31 Dec 2020 cS-15.1 Reg 10 s30-1.

Electrical workers

30-2(1) Subject to subsection (2), an employer or contractor shall permit only electrical workers to construct, install, alter, repair or maintain electrical equipment.

(2) An employer or contractor may permit a competent worker who is not an electrical worker:

(a) to operate powered mobile equipment and perform non-electrical work on or near de-energized electrical equipment;

(b) to extend a portable power cable for routine advancement by interconnection of approved cord connectors, cord caps or similar devices;

(c) to change light bulbs or tubes;

(d) to insert or replace an approved fuse, to a maximum of 750 volts, that controls circuits or equipment; or

(e) to connect small portable electrical equipment that operates at less than 750 volts to supply circuits by means of attachment plugs, if the connection does not overload the circuit conductors, or to use or operate small portable electrical equipment that is connected in that way.

31 Dec 2020 cS-15.1 Reg 10 s30-2.

Electrical equipment

30-3(1) An employer or contractor shall ensure that only approved electrical equipment is used by workers and that the electrical equipment is:

(a) approved for the intended use and location of the electrical equipment;

(b) maintained in proper working condition and capable of safe operation; and

(c) tested in accordance with the manufacturer's recommendations.

(2) If defects or unsafe conditions have been identified in electrical equipment, an employer or contractor:

(a) shall ensure that:

(i) steps are taken immediately to protect the health and safety of any worker who may be at risk until the defects are repaired or the unsafe conditions are corrected; and

(ii) the defects are repaired or the unsafe conditions are corrected as soon as is reasonably practicable; or

(b) shall ensure that the electrical equipment is disconnected and removed from use.

31 Dec 2020 cS-15.1 Reg 10 s30-3.

Covers for switches, receptacles, connections, etc.

30-4 An employer or contractor shall ensure that:

(a) all switches, receptacles, luminaires and junction boxes are fitted with a cover that is approved for the intended use and location of the cover;

(b) all wire joints or connections are:

(i) fitted with an approved cap or other approved cover;

(ii) enclosed in an approved box; or

(iii) if the wire joints or connections are not permanently installed, protected from damage by another approved means; and

(c) all dead, abandoned or disused electrical conductors or equipment are removed from the place of employment or disconnected and secured to prevent inadvertent energization.

31 Dec 2020 cS-15.1 Reg 10 s30-4.

Electrical equipment in tunnel or manhole

30-5 If electrical equipment is installed in a tunnel or manhole, an employer or contractor shall ensure, if reasonably practicable, that:

(a) the tunnel or manhole is kept clear of water; and

(b) the electrical equipment is protected from physical or mechanical damage.

31 Dec 2020 cS-15.1 Reg 10 s30-5.

Luminaires

30-6 An employer or contractor shall ensure that a luminaire that is located at a height of less than 2.1 metres above a working or walking surface is protected against physical or mechanical damage by installation of a safeguard or the location of the luminaire.

31 Dec 2020 cS-15.1 Reg 10 s30-6.

Extension and power supply cords

30-7 An employer or contractor shall ensure that an electrical extension or power supply cord used for supplying energy to any electrical equipment:

(a) is approved for the intended use and location of the electrical extension or power supply cord;

(b) is fitted with approved cord end attachment devices that are installed in an approved manner;

(c) is provided with a grounding conductor; and

(d) is maintained and protected from physical or mechanical damage.

31 Dec 2020 cS-15.1 Reg 10 s30-7.

Portable power cables and cable couplers

30-8(1) An employer or contractor shall ensure that every portable power cable and cable coupler is:

(a) protected from physical or mechanical damage; and

(b) inspected by a competent person at intervals that are sufficient to protect the health and safety of workers.

(2) An employer or contractor shall ensure that:

(a) if any unsafe condition is identified in a portable power cable or cable coupler, the portable power cable or the cable coupler is repaired or taken out of service; and

(b) every splice in a portable power cable is sufficiently strong and adequately insulated to retain the mechanical and dielectric strength of the original cable.

(3) A worker shall take all reasonably practicable steps not to drive equipment over, or otherwise damage, a portable power cable or cable coupler.

31 Dec 2020 cS-15.1 Reg 10 s30-8.

Portable luminaires

30-9(1) If a portable luminaire is used, an employer or contractor shall ensure that:

(a) the electrical extension cord and fittings are approved for the intended use and location of the extension cord and fittings and are properly maintained; and

(b) the electrical extension cord is not used to supply power to any equipment other than the portable luminaire unless the cord meets the requirements of section 30-7.

(2) An employer or contractor shall ensure that a portable luminaire used in a damp location or in a metallic enclosure, including a drum, tank, vessel or boiler:

(a) is operated at a potential of not more than 12 volts; or

(b) is supplied by a circuit that is protected by a class A ground fault circuit interrupter.

31 Dec 2020 cS-15.1 Reg 10 s30-9.

Exposed metal parts

30-10 An employer or contractor shall ensure that every exposed metal part of portable electrical equipment that is not designed to carry electrical current is connected to ground unless:

(a) the electrical equipment is of an approved, double-insulated type and is clearly marked as such;

(b) power is supplied to the equipment through an isolating transformer having a non-grounded secondary of not more than 50 volts potential;

(c) power is supplied to the equipment through a class A ground fault circuit interrupter; or

(d) power is supplied to the equipment from a battery of not over 50 volts potential.

31 Dec 2020 cS-15.1 Reg 10 s30-10.

Portable electric power plants

30-11(1) An employer, contractor or supplier shall ensure that:

(a) a portable electric power plant that is operated at voltages exceeding 240 volts to ground or is rated in excess of 12.0 kilovolt-amperes is connected to ground in a manner approved pursuant to *The Electrical Inspection Act, 1993*; and

(b) all electrical equipment connected to an ungrounded portable electric power plant:

(i) is of the double insulated type; and

(ii) is clearly marked as being of the double insulated type or is supplied from a class A ground fault interrupting device.

(2) Subsection (1) does not apply if the electrical energy is used for electric arc welding.

31 Dec 2020 cS-15.1 Reg 10 s30-11.

Electrical panels

30-12 An employer or contractor shall ensure that every electrical panel is:

(a) approved for the intended use and location of the electrical panel;

(b) protected from physical or mechanical damage;

(c) readily accessible; and

(d) fitted with an approved cover that has an approved filler in any unused opening.

31 Dec 2020 cS-15.1 Reg 10 s30-12.

High voltage switchgear and transformers

30-13(1) An employer or contractor shall ensure that a place where electrical switchgear or transformers operating at high voltage are housed is:

(a) guarded;

(b) kept free of extraneous material; and

(c) adequately ventilated.

(2) If high voltage switchgear or transformers are housed, an employer or contractor shall post a warning sign that:

(a) indicates the highest voltage in use; and

(b) states that access is restricted to authorized persons only.

31 Dec 2020 cS-15.1 Reg 10 s30-13.

Fire extinguishers

30-14 An employer or contractor shall ensure that a fire extinguisher approved for Class C fires is readily available to workers working on or near energized high voltage electrical equipment.

31 Dec 2020 cS-15.1 Reg 10 s30-14.

Grounding of equipment before work begins

30-15 Before any work, other than work to which subsection 30-16(4) applies, begins on an electrical conductor or electrical equipment and during the progress of that work, an employer or contractor shall ensure that:

(a) the electrical conductor or electrical equipment is isolated, locked out and connected to ground; or

(b) other effective procedures are taken to ensure the safety of the workers.

31 Dec 2020 cS-15.1 Reg 10 s30-15.

Proximity to exposed energized high voltage electrical conductors

30-16(1) In this section:

"applied science technologist" means an applied science technologist who is registered pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and whose registration has not been suspended or cancelled;

"certified technician" means a certified technician who is registered pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and whose registration has not been suspended or cancelled;

"qualified electrical worker" means:

(a) the holder of a journeyperson's certificate in the electrician trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999*, and includes an apprentice in the trade while under the supervision of a journeyperson;

(b) the holder of a journeyperson's certificate in the power lineperson trade issued pursuant to *The Apprenticeship and Trade Certification Act, 1999*, and includes an apprentice in the trade while under the supervision of a journeyperson; or

(c) for the purpose of design, calibrating of equipment, inspection, monitoring, testing, and commissioning of equipment in high voltage installations, electrical engineers, applied science technologists or certified technicians who have achieved professional certification within an electrical, electronics, industrial or instrumentation discipline;

"utility tree trimmer" means a person who has successfully completed a course that has been approved for the purposes of this section.

(2) An employer or contractor shall ensure that a qualified electrical worker has had approved training in high voltage safety.

(3) No qualified electrical worker shall undertake high voltage electrical work unless the worker:

(a) has written proof of approved training in high voltage electrical safety; and

(b) has that written proof of approved training readily accessible at all times while working near energized high voltage electrical conductors.

(4) Except as otherwise provided in this section, an employer or contractor shall ensure that no worker works, no material is piled, stored or handled, no scaffold is erected or dismantled and no equipment or powered mobile equipment is used or operated within the minimum distance from any exposed energized electrical conductor set out in column 1 of Table 19 of the Appendix.

(5) Subsection (2) does not apply to a worker who is undertaking a specific one-time activity under the direct supervision of a qualified electrical worker.

(6) An employer or contractor shall ensure that no worker who is at ground potential approaches an exposed energized electrical conductor closer than the minimum distance set out in column 2 of Table 19 of the Appendix.

(7) An employer or contractor shall ensure that only a qualified electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Table 19 of the Appendix.

(8) If a qualified electrical worker works closer to an exposed energized electrical conductor than the minimum distance set out in column 2 of Table 19 of the Appendix, an employer or contractor shall ensure that:

(a) the qualified electrical worker:

(i) performs the work in accordance with written instructions for a safe work procedure that have been developed and signed by a competent person who has been appointed by the employer or contractor for that purpose;

(ii) uses equipment that is approved for the intended use of the equipment; and

(iii) uses personal protective equipment that meets the requirements of Part 7; or

(b) the conductor is operating at 25 kilovolts or less and is fitted with rubber and rubber-like insulating barriers that meet the requirements of an approved standard.

(9) An employer or contractor shall ensure that no part of a vehicle is operated on a public road, highway, street, lane or alley within the minimum distance from an exposed energized electrical conductor set out in column 3 of Table 19 of the Appendix and that no part of a vehicle's load comes within the minimum distance.

(10) An employer or contractor shall ensure that no utility tree trimmer works within the minimum distance from an exposed energized electrical conductor set out in:

(a) column 4 of Table 19 of the Appendix for utility tree trimmers using conducting objects exposed to energized parts;

(b) column 5 of Table 19 of the Appendix for utility tree trimmers using rated tools exposed to energized parts;

(c) column 6 of Table 19 of the Appendix for utility tree trimmers using rated insulating booms.

31 Dec 2020 cS-15.1 Reg 10 s30-16.

Exposed energized electrical conductors operating at certain voltages

30-17 If work is being carried out in proximity to exposed energized electrical conductors operating at 31 to 750 volts, an employer or contractor shall ensure that the work is carried out so that accidental contact with the energized electrical conductor by any worker is prevented.

31 Dec 2020 cS-15.1 Reg 10 s30-17.

Emergency program

30-18(1) If an electrical worker may come in contact with an exposed energized electrical conductor and that contact may affect the health or safety of the worker, an employer or contractor shall develop and implement an emergency program that sets out the procedures to be followed in the event of that contact.

(2) An emergency program developed pursuant to subsection (1) must include procedures:

(a) to rescue a worker who has come into contact with a live conductor;

(b) to administer first aid to a worker who has sustained an electric shock; and

(c) to obtain medical assistance.

(3) An employer or contractor shall ensure that the workers are adequately trained to implement the emergency program.

31 Dec 2020 cS-15.1 Reg 10 s30-18.

PART 31
Additional Protection for Health Care Workers

Definitions for Part

31-1 In this Part:

"contaminated laundry" means laundry that has been contaminated by waste;

"health care facility" means:

(a) a health facility as defined in *The Health Facilities Licensing Act*;

(b) a facility for which a licence or certificate of approval is required pursuant to *The Residential Services Act*;

(c) a facility for which a licence is required pursuant to *The Personal Care Homes Act*;

(d) a facility within the meaning of *The Mental Health Services Act*;

(e) a hospital, nursing home or institution designated pursuant to *The Provincial Health Authority Act* as a facility as defined in that Act;

(f) a health care organization as defined in *The Cancer Agency Act*;

(g) a medical laboratory within the meaning of *The Medical Laboratory Licensing Act* or *The Medical Laboratory Licensing Act, 1994*;

(h) with respect to the delivery of health services within the meaning of *The Provincial Health Authority Act* or the operation of a facility within the meaning of that Act:

(i) a provincial health authority;

(ii) a health care organization; or

(iii) any other provider of services within the meaning of that Act;

(i) a laundry facility that is located in, or that provides services to, a facility listed in clauses (a) to (g) or that is operated by a body listed in clause (h);

(j) an ambulance service within the meaning of *The Ambulance Act*;

(k) an air ambulance service within the meaning of *The Ambulance Act*;

(l) a home care service pursuant to clause 2(4)(n) of *The Provincial Health Authority Administration Regulations*;

(m) a medical office or medical clinic;

(n) a dental office or dental clinic;

(o) a veterinary office or veterinary clinic;

(p) a blood collection agency; or

(q) any other place of employment that provides testing, diagnosis, treatment or care to a patient, resident or client for the purpose of improving or maintaining the physical or mental health of the patient, resident or client;

"waste" means any biomedical or pharmaceutical material or substance that may be hazardous to the health or safety of a worker and that requires special handling precautions, decontamination procedures or disposal, and includes:

(a) human anatomical waste;

(b) animal anatomical waste;

(c) microbiological laboratory waste;

(d) blood and body fluid waste; and

(e) used or contaminated needles, syringes, blades, clinical glass and other clinical items that are capable of causing a cut or puncture.

31 Dec 2020 cS-15.1 Reg 10 s31-1.

Application of Part

31-2 This Part applies to health care facilities.

31 Dec 2020 cS-15.1 Reg 10 s31-2.

Additional requirements re supervisors in health care facilities

31-3(1) In addition to the requirements of section 3-6, an employer, contractor or owner shall appoint competent persons to supervise at the place of employment.

(2) An employer, contractor or owner shall ensure that every supervisor appointed pursuant to subsection (1) is knowledgeable about, and experienced in the following matters that are within the area of the supervisor's responsibility:

(a) safe work practices and procedures, including the use of engineering controls in use at the place of employment;

(b) the safe handling, use and storage of hazardous substances;

(c) techniques for safely mobilizing, lifting, holding, turning, positioning and transferring patients, residents and clients;

(d) the handling, use, maintenance and storage of personal protective equipment;

(e) the appropriate response to any emergency situation at the place of employment.

(3) An employer, contractor or owner shall ensure that every supervisor appointed pursuant to subsection (1) is knowledgeable in the following matters that are within the area of the supervisor's responsibility:

(a) the duties and responsibilities of all workers being supervised by the supervisor;

(b) the training of workers under the supervision of the supervisor in safe work practices and procedures.

(4) An employer, contractor or owner who has appointed a supervisor pursuant to subsection (1) shall ensure that all workers and self-employed persons who work at the place of employment and who are to be supervised by that supervisor are informed of the name of the supervisor.

31 Dec 2020 cS-15.1 Reg 10 s31-3.

Patient moving and handling

31-4(1) If workers are required or permitted to mobilize, lift, hold, turn, position or transfer patients, residents or clients, an employer:

(a) in consultation with the committee, shall develop a written program specifying:

(i) the procedures to be used by a competent person to assess whether a patient, resident or client requires assistance to move; and

(ii) subject to subsection (2), the procedures and techniques that workers must use when mobilizing, lifting, holding, turning, positioning or transferring a patient, resident or client under all reasonably foreseeable circumstances;

(b) shall implement the program developed pursuant to clause (a);

(c) shall make readily available for reference by workers a copy of the program developed pursuant to clause (a);

(d) if the program developed pursuant to clause (a) and implemented pursuant to clause (b) requires the use of equipment, shall provide equipment, sufficient in quantity, capacity and quality to protect the health and safety of workers, to assist with mobilizing, lifting, holding, turning, positioning or transferring patients, residents or clients;

(e) in consultation with the committee, shall develop a written plan respecting the ongoing evaluation and selection of the equipment mentioned in clause (d);

(f) shall consult with workers who use the equipment mentioned in clause (d) on the ongoing evaluation and selection of that equipment;

(g) shall ensure that workers use, and that competent persons maintain, the equipment mentioned in clause (d) according to the manufacturer's recommendations;

(h) shall ensure that a preventative maintenance program for the equipment mentioned in clause (d) is implemented that meets the manufacturer's recommendations; and

(i) shall ensure that workers:

(i) are instructed in the causes of injuries resulting from mobilizing, lifting, holding, turning, positioning or transferring patients, residents or clients and the means to prevent those injuries;

(ii) subject to subsection (2) and in addition to the requirements of section 3-8, are trained in, and use, the procedures and techniques of mobilizing, lifting, holding, turning, positioning and transferring patients, residents or clients as described in subclause (a)(ii); and

(iii) are trained in the use of the equipment mentioned in clause (d) that the workers will be expected to use at the worksite.

(2) The procedures and techniques mentioned in subclauses (1)(a)(ii) and (i)(ii) must be consistent with the requirements set out in section 6-18.

(3) If a patient, resident or client has been assessed as requiring assistance to move, an employer shall:

(a) ensure that the status of the patient, resident or client and the appropriate techniques to mobilize, lift, hold, turn, position or transfer the patient, resident or client are clearly identified in writing or by other visual means at or near the location of the patient, resident or client; and

(b) if the technique specified in clause (a) requires more than 1 worker or the use of equipment, ensure that the number of workers needed and the equipment to be used are also clearly specified in writing or by other visual means at or near the location of the patient, resident or client.

(4) An employer, in consultation with the committee, shall review all injuries resulting from mobilizing, lifting, holding, turning, positioning or transferring patients, residents or clients to determine the causes of the injuries.

(5) An employer shall take appropriate action to prevent the occurrence of injuries similar to an injury reviewed pursuant to subsection (4).

(6) If a program developed pursuant to clause (1)(a) and implemented pursuant to clause (1)(b), or a technique identified in subsection (3), specifies the use of equipment or the assistance of another worker, no employer shall require or permit a worker to mobilize, lift, hold, turn, position or transfer a patient, resident or client without the use of the device or the assistance of the other worker.

(7) Except in a life-threatening emergency, the employer shall not require or permit a worker to mobilize, lift, hold, turn, position or transfer a patient, resident or client until the patient, resident or client has been assessed pursuant to the program developed pursuant to clause (1)(a) and implemented pursuant to clause (1)(b).

31 Dec 2020 c S-15.1 Reg 10 s31-4.

Cytotoxic drugs

31-5(1) In this section, **"cytotoxic drugs"** means drugs that inhibit or prevent the functions of cells and are manufactured, sold or represented for use in treating neoplastic or other conditions.

(2) An employer shall take all practicable steps to minimize the exposure of workers to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.

(3) If workers prepare parenteral cytotoxic drugs on a frequent and continuing basis, an employer shall provide and maintain an approved biological safety cabinet in accordance with subsection (4) and ensure that workers use the cabinet safely.

(4) A biological safety cabinet must be:

(a) inspected and certified by a competent person at least annually and when the biological safety cabinet is moved; and

(b) used and maintained according to an approved procedure or the manufacturer's recommendations.

(5) If workers are required to prepare, administer, handle or use cytotoxic drugs or are likely to be exposed to cytotoxic drugs, an employer, in consultation with the committee, shall develop a written program to protect the health and safety of workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs.

(6) A program developed pursuant to subsection (5) must include:

(a) the measures to be taken to identify, store, prepare, administer, handle, use, transport and dispose of cytotoxic drugs and materials contaminated with cytotoxic drugs;

(b) the emergency steps to be followed in the event of:

(i) a spill or leak of a cytotoxic drug; or

(ii) worker exposure to cytotoxic drugs by a puncture of the skin, absorption through the skin, contact with an eye, inhalation of drug dust or ingestion of a contaminated substance;

(c) the methods to be followed in maintaining and disposing of equipment contaminated with cytotoxic drugs;

(d) the use to be made of engineering controls, work practices, hygiene practices and facilities, approved respiratory protective devices, approved eye or face protectors and other personal protective equipment and decontamination materials and equipment that are appropriate in the circumstances; and

(e) the use to be made of an approved biological safety cabinet for the preparation of cytotoxic drugs and the methods to be followed in maintaining the cabinet.

(7) An employer shall:

(a) implement the program developed pursuant to subsection (5);

(b) ensure that all workers who may be exposed to cytotoxic drugs or to materials or equipment contaminated with cytotoxic drugs are trained in the program; and

(c) make a copy of the program readily available for reference by workers.

Waste

31-6(1) If exposure to waste is likely to endanger the health or safety of a worker, an employer shall develop and implement a process that ensures that the waste:

(a) is segregated at the place where the waste is located or produced;

(b) is contained in a secure, clearly labelled package or container that holds the contents safely until it is cleaned, decontaminated or disposed of; and

(c) is cleaned, decontaminated or disposed of in a manner that will not endanger the health or safety of any worker.

(2) An employer shall ensure that:

(a) a worker or self-employed person who generates, collects, transports, cleans, decontaminates or disposes of waste or launders contaminated laundry is trained in safe work practices and procedures, and is provided with personal protective equipment, that are appropriate to the risks associated with the worker's work; and

(b) a worker or self-employed person described in clause (a) uses the safe work practices and procedures and the personal protective equipment mentioned in that clause.

31 Dec 2020 cS-15.1 Reg 10 s31-6.

Equipment contaminated with waste

31-7 An employer shall ensure that, if reasonably practicable, any equipment that has been contaminated with waste is inspected and decontaminated before it is repaired or shipped for repair.

31 Dec 2020 cS-15.1 Reg 10 s31-7.

Waste needles, etc.

31-8(1) An employer shall provide readily accessible containers for waste needles, syringes, blades, clinical glass and any other clinical items that are capable of causing a cut or puncture and shall ensure that workers and self-employed persons use those containers.

(2) The containers required by subsection (1) must:

(a) have a fill line;

(b) be clearly identified as containing hazardous waste; and

(c) be sturdy enough to resist puncture under normal conditions of use and handling until the containers are disposed of.

(3) An employer shall ensure that workers do not manually clip, bend, break or recap waste needles.

31 Dec 2020 cS-15.1 Reg 10 s31-8.

Selecting needle-safe devices

31-9(1) In this section and in section 31-10:

"contaminated" means contaminated with:

(a) human blood;

(b) fluids containing visible amounts of human blood;

(c) any of the following potentially infectious human bodily fluids:

(i) semen;

(ii) vaginal secretions;

(iii) cerebrospinal fluid;

(iv) synovial fluid;

(v) pleural fluid;

(vi) pericardial fluid;

(vii) peritoneal fluid;

(viii) amniotic fluid;

(ix) saliva;

(x) breast milk;

(d) fluids from any unfixed tissue or organ, other than intact skin, from a human, living or dead;

(e) cell, tissue or organ cultures, or other solutions, that may contain a human blood-borne infectious organism; or

(f) fluids from tissues of experimental animals infected with a blood-borne infectious organism from a human source;

"needles with engineered sharps injury protections" means hollow bore needles or devices with hollow bore needles that:

(a) are commercially available;

(b) are approved as medical devices by Health Canada;

(c) have a built-in safety feature or mechanism that eliminates or minimizes the risk of a percutaneous injury; and

(d) are used for purposes that include:

(i) withdrawing bodily fluids;

(ii) accessing a vein or artery; and

(iii) administering medications or other fluids;

"needleless system" means a commercially available device approved as a medical device by Health Canada that replaces a hollow bore needle for use in:

(a) the collection of bodily fluids;

(b) the withdrawal of bodily fluids after initial venous or arterial access is established;

(c) the administration of medication or fluids; or

(d) any other procedure in which it is reasonably anticipated that a worker could incur a percutaneous injury with a contaminated hollow bore needle;

"public health emergency" means an occurrence or imminent threat of a significant risk to public health caused by:

(a) an epidemic or pandemic disease; or

(b) a novel, highly fatal infectious agent or associated biological toxin.

(2) This section and section 31-10 apply:

(a) to all health care facilities except those mentioned in clauses (h) and (n) of the definition of health care facility;

(b) to a correctional facility as defined in *The Correctional Services Act, 2012*; and

(c) to a youth custody facility as defined in the *Youth Criminal Justice Act* (Canada).

(3) Subject to subsection (4), for tasks and procedures in which it is reasonably anticipated that a worker or self-employed person may incur a percutaneous injury from a contaminated hollow bore needle, the employer or contractor must:

(a) identify, evaluate and select needles with engineered sharps injury protections or needleless systems, in consultation with representatives of those workers or self-employed persons who will use the selected device; and

(b) ensure that the needles with engineered sharps injury protections and needleless systems selected pursuant to clause (a) are used.

(4) Subsection (3) does not apply:

(a) if the employer or contractor can demonstrate that needles with engineered sharps injury protections or needleless systems pose an additional risk to the patient, worker or self-employed person;

(b) to any biological or antibiotic product in an injection-ready needle device that is present in Saskatchewan on the day on which this section comes into force;

(c) to any needles or needle devices that are obtained during a public health emergency for use in that emergency;

(d) to needles or needle devices for use in a public health emergency that are stockpiled for use in a public health emergency and are present in Saskatchewan on the day on which this section comes into force.

31 Dec 2020 c S-15.1 Reg 10 s31-9.

Injury log

31-10(1) An employer or contractor must maintain an injury log for all exposures involving a percutaneous injury with a sharp that may be contaminated.

(2) Entries in the injury log maintained pursuant to subsection (1) must:

(a) protect the confidentiality of the exposed worker or self-employed person; and

(b) contain at least the following information:

(i) the type and brand of the device involved in the exposure incident;

(ii) the department or work area in which the exposure occurred;

(iii) an explanation of how the exposure occurred.

31 Dec 2020 cS-15.1 Reg 10 s31-10.

Contaminated laundry

31-11(1) An employer shall ensure that workers handle contaminated laundry as little as possible and with minimum agitation to prevent gross microbial contamination of the air and of any worker handling the laundry.

(2) At a laundry facility that is established or extensively renovated after the coming into force of these regulations, an employer shall ensure that the area where contaminated laundry is sorted is separated from the clean laundry area by one or more of the following:

(a) a physical barrier;

(b) a negative air pressure system in the contaminated laundry area;

(c) a positive air flow from the clean laundry area through the contaminated laundry area.

31 Dec 2020 cS-15.1 Reg 10 s31-11.

Anaesthetic gases

31-12 If workers are required to handle or use anaesthetic gases and vapours or are likely to be exposed to anaesthetic gases and vapours, an employer shall:

(a) develop safe work practices and procedures to eliminate or reduce the concentration of anaesthetic gases and vapours in the air of the room during the administration of the anaesthetic gases;

(b) train workers in the safe work practices and procedures developed pursuant to clause (a) and ensure that the workers and self-employed persons use those safe work practices and procedures;

(c) ensure that all anaesthetic gas hoses, connections, tubing, bags and associated equipment are inspected for leakage before each use and at least weekly;

(d) ensure that any room where anaesthetic gases are administered is, if reasonably practicable, ventilated at a rate of 15 air changes per hour;

(e) install an effective waste anaesthetic gas scavenging system to collect, remove and dispose of waste anaesthetic gases and vapours;

(f) except in birthing rooms where anaesthetic gas is self-administered, ensure that leakage from a waste anaesthetic gas scavenging system installed pursuant to clause (e) is less than 100 millilitres per minute when tested according to an approved standard; and

(g) ensure that the waste anaesthetic gas scavenging system and the equipment used to administer anaesthetic gases are maintained.

31 Dec 2020 cS-15.1 Reg 10 s31-12.

Ethylene oxide sterilizers

31-13(1) In this section, **"CSA installation standard"** means the Canadian Standards Association standard CAN/CSA-Z314.9-M89 *Installation, Ventilation and Safe Use of Ethylene Oxide Sterilizers in Health Care Facilities*.

(2) An employer shall ensure, to the extent that is practicable, that all ethylene oxide sterilizers at a place of employment are operated and maintained in accordance with the CSA installation standard.

(3) An employer, in consultation with the committee, shall develop:

(a) safe work practices and policies that meet the requirements of the CSA installation standard; and

(b) an emergency response program to detect, control and respond to any leak or spill of ethylene oxide that meets the requirements of the CSA installation standard.

(4) An employer shall:

(a) implement the safe work practices and policies and the emergency response program developed pursuant to subsection (3); and

(b) ensure that workers who operate ethylene oxide sterilizers and workers who may come into contact with ethylene oxide:

(i) are trained in accordance with the CSA installation standard; and

(ii) follow the safe work practices and policies and the emergency response program developed pursuant to subsection (3).

(5) An employer shall ensure that all areas where ethylene oxide is used or stored are posted with clearly legible signs that state "Ethylene Oxide Area, Potential Cancer and Reproductive Hazard, Authorized Personnel Only".

(6) An employer shall ensure that all records of equipment maintenance and accidental ethylene oxide leakages are kept for 5 years in a log book located in the ethylene oxide sterilization area.

(7) An employer shall ensure that an ethylene oxide sterilizer purchased after the coming into force of these regulations:

(a) is constructed in accordance with the Canadian Standards Association standard CAN/CSA-Z314.1-M91 *Ethylene Oxide Sterilizers for Hospitals*;

(b) is installed in accordance with and meets the ventilation requirements of the CSA installation standard; and

(c) if reasonably practicable, is a sterilizer with in-chamber aeration that allows sterilization and aeration to take place without manually transferring the items that are being sterilized and aerated from one piece of equipment to another.

(8) An employer shall ensure that portable ethylene oxide sterilizers are operated in a fume cabinet or placed in a self-contained room that is unoccupied during the sterilization process and is ventilated clear of the place of employment at a minimum rate of 10 air changes per hour to prevent the accumulation of the gas in the room.

31 Dec 2020 cS-15.1 Reg 10 s31-13.

Review of programs, etc.

31-14 An employer, in consultation with the committee, shall ensure that all programs, training, work practices, procedures and policies developed pursuant to this Part are reviewed and, if necessary, revised at least every 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.

31 Dec 2020 cS-15.1 Reg 10 s31-14.

PART 32
Additional Protection for Firefighters

Definitions for Part

32-1 In this Part:

"emergency incident" means the circumstances giving rise to a specific emergency operation;

"emergency medical care" means the provision of treatment to patients, including first aid, cardiopulmonary resuscitation, basic life support, advanced life support and other medical procedures that occur before arriving at a hospital or other health care facility;

"emergency operation" means the activities relating to rescue, fire suppression, emergency medical care and special operations, and includes the response to the scene of an incident and all functions performed at the scene;

"evolution" means a set of standard operating procedures that results in an effective response to an emergency incident;

"firefighter" means a worker whose duties include:

(a) emergency operations, fire inspection and fire investigation; and

(b) training for the activities mentioned in clause (a);

and includes a worker whose duties include directing any or all of the activities mentioned in clauses (a) and (b);

"firefighting vehicle" means a specialized vehicle that carries an assortment of tools and equipment for use by firefighters in emergency operations;

"fire suppression" means the activities involved in controlling and extinguishing fires, including all activities performed at the scene of a fire incident or training exercise that expose firefighters to the dangers of heat, flame, smoke and other products of combustion, explosion, or structural collapse;

"rescue" means activities directed at locating endangered persons at an emergency incident and removing those persons from danger, and includes treating the injured;

"special operations" means emergency incidents to which firefighters respond that require specific and advanced training and specialized tools and equipment, and includes water rescue, confined space entry, high-angle rescue and incidents involving hazardous materials;

"standard operating procedure" means an operational directive prepared by an employer that establishes a standard course of action for the emergency incidents to which a firefighter is required to respond;

"structural firefighting" means the activities of rescue, fire suppression and property conservation involving buildings, enclosed structures, vehicles, vessels, aircraft or other large objects that are involved in a fire or emergency incident.

31 Dec 2020 c S-15.1 Reg 10 s32-1.

Application of Part

32-2 This Part applies to firefighters who are engaged in emergency operations on a full-time or part-time basis and their employers, but does not apply to:

(a) firefighters fighting wildfires that the ministry, as defined in *The Wildfire Act*:

(i) is responsible for, pursuant to section 10 of that Act; or

(ii) takes action to control and extinguish, pursuant to section 12 of that Act; or

(b) firefighters fighting fires underground at mines.

31 Dec 2020 c S-15.1 Reg 10 s32-2.

Plan for response to emergency incident

32-3(1) An employer, in consultation with the committee, shall develop a written plan that establishes the procedures to be followed by firefighters in response to an emergency incident.

(2) A plan required by subsection (1) must include:

(a) identification of standard firefighting functions or evolutions, including functions or evolutions that must be performed simultaneously;

(b) the minimum number of firefighters required to perform safely each identified firefighting function or evolution, based on written standard operating procedures;

(c) the number and types of firefighting vehicles and firefighters required for the initial response to each type of emergency incident to which the firefighters will be expected to respond;

(d) the total complement of firefighting vehicles and firefighters to be dispatched for each type of emergency incident;

(e) a description of a typical emergency operation, including alarm time, response time, arrival sequence, responsibility for initiating standard operating procedures necessary to protect the health and safety of firefighters;

(f) an incident management system; and

(g) a personnel accountability system.

(3) An employer shall:

(a) ensure that the plan developed pursuant to subsection (1) is implemented; and

(b) make a copy of the plan readily available for reference by firefighters.

31 Dec 2020 cS-15.1 Reg 10 s32-3.

Training of firefighters

32-4(1) An employer shall ensure that:

(a) every firefighter receives the training necessary to ensure that the firefighter is able to carry out safely any emergency operation that the firefighter will be expected to carry out;

(b) the training required by clause (a) is provided by competent persons; and

(c) a written record is kept of all training delivered to firefighters pursuant to this Part.

(2) An employer shall ensure that every firefighting vehicle is operated by a competent operator.

31 Dec 2020 cS-15.1 Reg 10 s32-4.

General standards for vehicles and equipment

32-5 An employer, contractor or owner shall ensure that all firefighting vehicles and all equipment for use in emergency operations are designed, constructed, operated, maintained, inspected and repaired so as to protect adequately the health and safety of firefighters.

31 Dec 2020 cS-15.1 Reg 10 s32-5.

Securing of equipment, etc., in vehicles

32-6 If equipment or personal protective equipment is carried within a seating area of a firefighting vehicle, an employer, contractor or owner shall ensure that:

(a) the items of equipment are secured:

(i) by a positive mechanical means of holding the item in a stowed position; or

(ii) in a compartment with a positive latching door; and

(b) the compartment mentioned in subclause (a)(ii) is designed to minimize injury to firefighters in the seating area of the vehicle.

31 Dec 2020 cS-15.1 Reg 10 s32-6.

Inspection of firefighting vehicles and equipment

32-7 An employer, contractor or owner shall ensure that:

(a) all firefighting vehicles and firefighting equipment are inspected by a competent person for defects and unsafe conditions as often as is necessary to ensure that the vehicles and equipment are capable of safe operation;

(b) if a defect or unsafe condition that may create a hazard to a firefighter is identified in a firefighting vehicle or firefighting equipment:

(i) steps are taken immediately to protect the health and safety of any firefighter who may be at risk until the defect is repaired or the unsafe condition is corrected; and

(ii) as soon as is reasonably practicable, the defect is repaired or the unsafe condition is corrected; and

(c) a written record:

(i) is kept of all inspections carried out pursuant to clause (a);

(ii) is signed by the competent person who performs the inspection; and

(iii) is kept at the place of employment and is made readily available to the committee, the representative and the firefighters.

31 Dec 2020 cS-15.1 Reg 10 s32-7.

Repair of firefighting vehicles

32-8 An employer, contractor or owner shall ensure that:

(a) all repairs to firefighting vehicles of defects or unsafe conditions that may put at risk the health or safety of firefighters are made in accordance with the vehicle manufacturer's instructions and by qualified persons experienced with the type of vehicle or the type of work to be performed; and

(b) a written record:

(i) is kept of all repairs made to a firefighting vehicle; and

(ii) is kept at the place of employment and is made readily available to the committee, the representative and the firefighters.

31 Dec 2020 cS-15.1 Reg 10 s32-8.

Transportation of firefighters

32-9(1) Subject to subsection (3), an employer, contractor or owner shall ensure that:

(a) all firefighting vehicles are provided with safe crew accommodations within the body of the vehicle and are equipped with properly secured seats and seat-belts;

(b) while a firefighting vehicle is transporting firefighters, every firefighter is seated and uses a seat-belt when the vehicle is in motion; and

(c) no firefighter rides on the tailstep, side steps, running boards or in any other exposed position on a firefighting vehicle.

(2) If there are an insufficient number of seats available for the number of firefighters who are assigned to or expected to ride on a firefighting vehicle, an employer, contractor or owner shall ensure that there is a safe alternate means of transportation for those firefighters.

(3) Clauses (1)(b) and (c) do not apply where a firefighter is fighting a prairie, grassland or crop fire, and the employer, contractor or owner ensures that:

(a) a restraining device is used to prevent the firefighter from falling from the firefighting vehicle;

(b) an effective means of communication between the firefighter and the operator of the firefighting vehicle is provided; and

(c) a firefighter does not operate the firefighting vehicle at a speed that exceeds 20 kilometres per hour.

31 Dec 2020 cS-15.1 Reg 10 s32-9.

Personal protective equipment

32-10 An employer, contractor or owner shall provide to a firefighter who engages in or is exposed to the hazards of emergency operations, and ensure that the firefighter uses, approved personal protective equipment that is appropriate to the nature of the risk to which the firefighter will be exposed and that is adequate to protect the health and safety of the firefighter.

31 Dec 2020 cS-15.1 Reg 10 s32-10.

Interior structural firefighting

32-11 If firefighters are required or permitted to engage in interior structural firefighting, an employer shall ensure that:

(a) the firefighters work in teams; and

(b) a suitably equipped rescue team is readily available outside the structure to rescue an endangered firefighter if the firefighter's SCBA fails or the firefighter becomes incapacitated for any other reason.

31 Dec 2020 cS-15.1 Reg 10 s32-11.

Personal alert safety system

32-12(1) An employer, contractor or owner shall provide each firefighter who enters a structure during firefighting with an approved personal alarm safety system (PASS) device and ensure that the firefighter uses the device.

(2) An employer, contractor or owner shall ensure that each PASS device is tested at least monthly and before each use, and maintained in accordance with the manufacturer's instructions.

31 Dec 2020 cS-15.1 Reg 10 s32-12.

Safety ropes, harnesses and hardware

32-13 An employer, contractor or owner shall provide for use by a firefighter approved safety ropes, harnesses and hardware that are appropriate to the nature of the risk to which the firefighter will be exposed and adequate to protect the health and safety of the firefighter, and ensure that the firefighter uses them.

31 Dec 2020 cS-15.1 Reg 10 s32-13.

PART 33
Prime Contractor

Definitions for Part

33-1 In this Part:

"construction industry" does not include activities or operations undertaken by a person in connection with constructing or renovating if the worksite comprises dwellings that are less than 4 units;

"forestry industry" includes activities or operations of a mill operation as defined in section 28-1;

"oil and gas industry" means the drilling, operation and servicing of a gas well or oil well as regulated by Part 29;

"required worksite" means a worksite that is required by section 3-13 of the Act and by these regulations to have a prime contractor.

31 Dec 2020 c S-15.1 Reg 10 s33-1.

Prime contractor required

33-2(1) A worksite is a required worksite if 10 or more self-employed persons or workers under the direction of 2 or more employers are engaged at the worksite in one or more of the following industries:

(a) the construction industry;

(b) the forestry industry;

(c) the oil and gas industry.

(2) If a worksite is a required worksite, the prime contractor is:

(a) the contractor, employer or other person who enters into a written agreement with the owner of the worksite to be the prime contractor; or

(b) if no agreement mentioned in clause (a) has been made or is in force, the owner of the worksite.

31 Dec 2020 c S-15.1 Reg 10 s33-2.

Duties of owners, employers and self-employed persons in relation to prime contractors

33-3(1) An owner at a required worksite shall:

(a) designate the owner or another person as the prime contractor for the required worksite; and

(b) if the owner is not the prime contractor, provide, in writing, the prime contractor with the following information as soon as possible after designating the prime contractor:

(i) the policies, procedures and safe work practices mentioned in clause 33-4(c) of each employer or self-employed person;

(ii) any required information, as defined in subsection 3-16(1) of the Act, that is known or reasonably expected to be known by the employer or self-employed person; and

(iii) any other information reasonably required by the prime contractor to coordinate the activities at the worksite that may affect the health and safety of workers and self-employed persons engaged at the worksite.

(2) If the information mentioned in subclause (1)(b)(ii) changes, the employer or self-employed person who provided the information shall provide the prime contractor with notice of any change as soon as is reasonably practicable after the change.

(3) An owner, employer and self-employed person at a required worksite shall comply with any reasonable direction issued by the prime contractor or the person identified pursuant to clause 33-4(d) for the purpose of performing duties of the owner, employer or self-employed person pursuant to Part III of the Act and these regulations.

(4) Every employer at a required worksite shall:

(a) designate a competent person as the designated supervisor for the employer's workers at the required worksite; and

(b) give the prime contractor the name of the person designated as the designated supervisor pursuant to clause (a).

(5) Every designated supervisor shall perform the duties imposed on supervisors by Part III of the Act and these regulations and shall carry out any other duties required to be performed pursuant to any another Act or regulation.

(6) Nothing in this section is to be interpreted as limiting or replacing the duties or requirements imposed by Part III of the Act and these regulations on an employer or any other person.

31 Dec 2020 cS-15.1 Reg 10 s33-3.

Prescribed activities of prime contractor

33-4 For the purposes of section 3-13 of the Act, the prime contractor shall:

(a) ensure that the names of and the method of contacting the prime contractor and the individual identified pursuant to clause (d) are posted at a conspicuous location at the required worksite;

(b) ensure that all activities at the required worksite that may affect the health and safety of workers or self-employed persons are coordinated;

(c) ensure, insofar as is reasonably practicable, that all employers and self-employed persons have adequate and appropriate policies, procedures, safe work practices, equipment, competent workers and information to ensure that:

(i) the employers, the workers and the self-employed persons comply with Part III of the Act and these regulations;

(ii) the activities of the employers, the workers or the self-employed persons do not jeopardize the health and safety of a worker or self-employed person at the required worksite; and

(iii) the employers, the workers and the self-employed persons comply with any health and safety related policies and procedures implemented by the prime contractor;

(d) identify a competent person to oversee and direct, on behalf of the prime contractor, the activities of owners, employers, workers and self-employed persons at the required worksite;

(e) prepare a written plan that:

(i) addresses how the requirements imposed by clauses (b) and (c) are being met;

(ii) sets out the name and the method of contacting the individual identified pursuant to clause (d);

(iii) identifies the supervisors for the required worksite designated by employers pursuant to clause 33-3(4)(a); and

(iv) addresses other matters that the minister may require to be addressed;

(f) deliver a copy of the written plan mentioned in clause (e) to all employers and self-employed persons before they commence working at the required worksite;

(g) cooperate with any other person performing a duty imposed by Part III of the Act or these regulations;

(h) identify and inform employers, workers and self-employed persons about the hazards in or at the required worksite for which the prime contractor is responsible;

(i) ensure, insofar as is reasonably practicable, that the employers or self-employed persons at the required worksite eliminate:

(i) hazards identified by the prime contractor before activities or operations begin at the required worksite; and

(ii) while activities or operations continue at the required worksite, hazards identified by the prime contractor after activities or operations have commenced;

(j) ensure, insofar as is reasonably practicable, that the employers or self-employed persons at the required worksite reduce or control hazards that it is not reasonably practicable to eliminate; and

(k) comply with Part III of the Act and these regulations.

PART 34
Repeal, Transitional and Coming into Force

RRS c S-15.1 Reg 2 repealed

34-1 *The Occupational Health and Safety (Prime Contractor) Regulations* are repealed.

31 Dec 2020 c S-15.1 Reg 10 s34-1.

RRS c O-1.1 Reg 1 repealed

34-2 *The Occupational Health and Safety Regulations*, *1996* are repealed.

31 Dec 2020 c S-15.1 Reg 10 s34-2.

RRS c S-15.1 Reg 6 repealed

34-3 *The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations* are repealed.

31 Dec 2020 c S-15.1 Reg 10 s34-3.

Transitional – approvals

34-4 Notwithstanding the repeal of *The Occupational Health and Safety Regulations*, *1996* an approval granted by the director pursuant to *The Occupational Health and Safety Regulations, 1996* is continued pursuant to these regulations until it is revoked or amended by the director.

31 Dec 2020 c S-15.1 Reg 10 s34-4.

Coming into force

34-5(1) Subject to subsections (2) to (4), these regulations come into force on April 1, 2021.

(2) In accordance with subsection 3-83(3) of the Act, if these regulations are not published in *The Saskatchewan Gazette* at least 60 days before April 1, 2021, these regulations come into force on the sixty-first day after the day on which they are published in *The Saskatchewan Gazette*.

(3) Section 6-22.1, as being added by *The Occupational Health and Safety Amendment Regulations, 2021*, comes into force on March 18, 2021.

(4) If *The Occupational Health and Safety Amendment Regulations, 2021* are filed with the Registrar of Regulations after March 18, 2021, section 6-22.1, as being added by those regulations, comes into force on the day on which those regulations are filed with the Registrar of Regulations.

31 Dec 2020 c S-15.1 Reg 10 s34-5; 26 Mar 2021 SR 31/2021 s4.

Appendix

TABLE 1
[*Clause (a) of the definition of "class A qualification" in section 1-2 and subsection 5-5(2)*]

Minimum Requirements for Class A Qualification

A First aid training course:

I Course duration:14-16 hours

II Course Content:

The role of the first aid attendant
Interaction with higher-level trained personnel and with medical care agencies
Medico-legal aspects of first aid
Responsibilities of the first aid attendant
Knowledge of the ambulance system
Basic anatomy and physiology: how the body systems work
Patient assessment: primary and secondary surveys
Assessment and monitoring of basic vital signs
Respiratory emergencies: respiratory system review, management of airways
Chest injuries: pneumothorax, flail chest, sucking chest wound
Circulatory system review, heart attack, stroke
Bleeding: wounds, control of bleeding and bandaging
Barrier devices to prevent the transmission of pathogens
Shock: signs and symptoms
Abdominal injuries: system review by quadrant
Stabilization: head, spine and pelvis injuries
Upper and lower extremity injuries
Medical emergencies: epilepsy, diabetes
Assessment and treatment of burns
Assessment and treatment of poisonings and acute effects of abused drugs
Problems of heat and cold
Emotional problems
Movement of a casualty
Situation simulations, reporting on the patient to higher-level trained personnel
Understanding of and familiarity with relevant provisions of *The Occupational Health and Safety Regulations, 2020*.

B Cardiopulmonary resuscitation training course:

I Course duration: 4-6 hours

II Course Content:

Risk factors
Signals and actions of heart attack and stroke
Airway obstruction: prevention, causes, recognition
Entrance into the emergency medical services system
1 rescuer cardiopulmonary resuscitation (adult)
Treatment of an adult with an obstructed airway
Turning of the casualty into the recovery position.

TABLE 2
[*Clause (b) of the definition of "class A qualification" in section 1-2*]

First Aid Services Authorized by Class A Qualification

Primary and secondary assessment

Cardiopulmonary resuscitation

Bandaging and splinting

Monitoring vital signs

Basic management of medical emergencies

Spine stabilization

Any other services for which the holder of the class A qualification has acquired additional training from an approved authority.

TABLE 3
[*Clause (a) of the definition of "class B qualification" in section 1-2 and subsection 5-5(2)*]

Minimum Requirements for Class B Qualification

A First aid training course:

I Course duration: 60-80 hours

It is recommended that the review and practice time should be at least 20 hours.

II Course content:

Roles and responsibility: knowledge of emergency medical system, the place of the first aid attendant in the system, other skill levels in the system

The different phases of emergency medical care

Adequate training in the use of first aid equipment

The medico-legal aspects of first aid

Anatomy and physiology appropriate to the course

Primary and secondary survey of the casualty

Monitoring and assessment of vital signs

Bleeding: wounds, control of bleeding and bandaging

Barrier devices to prevent the transmission of pathogens

Airway management and use of relevant equipment (eg. bag valve, mask resuscitator, oxygen equipment)

Assessment and treatment of common medical emergencies

Assessment and treatment of shock

Trauma to head, spine, chest, abdomen and pelvis

Injuries to extremities

Environmental emergencies

Crisis intervention: provision of psychological support

First on the scene management skills, triage

Assessment and treatment of burns

Obstetrics: emergency delivery and post-partum haemorrhage

Recognition of the acute signs and symptoms of drug abuse and treatment of the casualty

Assessment and treatment of the acute (eg. distended or tender) abdomen

Basic extrication of the casualty from immediate danger

Record keeping: preservation of information necessary for subsequent action

Understanding of and familiarity with relevant provisions of *The Occupational Health and Safety Regulations, 2020*.

B Cardiopulmonary resuscitation training course:

I Course duration: 8-10 hours

II Course content:

Risk factors

Signals and actions of heart attack and stroke

Airway obstruction: prevention, causes, recognition

Entrance into the emergency medical services system

1 rescuer cardiopulmonary resuscitation

2 rescuer cardiopulmonary resuscitation

Treatment of an adult with an obstructed airway

Mouth-to-mask resuscitation

Spinal injuries

Turning of the casualty into the recovery position.

TABLE 4

[*Clause (b) of the definition of "class B qualification" in section 1-2*]

First Aid Services Authorized by Class B Qualification

Primary and secondary assessment

Cardiopulmonary resuscitation while moving a patient

Bandaging and splinting

Monitoring vital signs

Basic management of medical emergencies

Airway management, the use of suction devices and bag-valve mask

Proper procedures and conditions for the administration of oxygen

Use of spinal immobilization devices

Psychological support measures

Any other services for which the holder of the Class B qualification has acquired additional training from an approved authority.

TABLE 5
[*Subsections 2-1(2) and 23-14(1) and section 23-15*]

Asbestos Processes

Part A – High Risk Asbestos Processes

1 The removal, encapsulation, enclosure or disturbance of anything but minor amounts of friable asbestos-containing material during the repair, alteration, maintenance, demolition, or dismantling of any part of a plant

2 The cleaning, maintenance or removal of air-handling equipment in buildings where sprayed fireproofing asbestos-containing materials have been applied to the airways or ventilation ducts

3 The dismantling or the major alteration or repair of a boiler, furnace, kiln or similar device, or part of a boiler, furnace, kiln or similar device, that is made of asbestos-containing materials

4 The use of power tools not equipped with HEPA filtration to grind, cut or abrade any asbestos-containing surface or product.

Part B – Moderate Risk Asbestos Processes

1 The use of a power tool equipped with HEPA filtration to cut, shape or grind any asbestos-containing surface or product

2 The removal of a false ceiling or part of a false ceiling where friable asbestos-containing material is, or is likely to be, lying on the surface of the false ceiling

3 The removal, the encapsulation or enclosure or the disturbance of minor amounts of friable asbestos-containing material during the repair, alteration, maintenance, demolition, or dismantling of a structure, machine or equipment or part of a structure, machine or equipment.

Part C – Low Risk Asbestos Processes

1 The installation or removal of manufactured asbestos-containing products where sanding, cutting or similar disturbance is not required

2 The use of hand tools to cut, shape, drill or remove a manufactured asbestos-containing product

3 The removal of drywall material where asbestos joint filling compounds have been used

4 The use of personal protective equipment made of asbestos-containing textiles

5 The transporting or handling of asbestos-containing materials in sealed containers

6 The cleaning or disposing of minor amounts of asbestos debris that has come loose or fallen from a friable surface

7 The removal of small samples of asbestos-containing material for the purpose of identification.

TABLE 6
[*Subsection 2-4(2)*]

Notifiable Medical Conditions Resulting from Occupational Exposure

1 Acute, sub-acute or chronic disease of an organ resulting from exposure to lead, arsenic, beryllium, phosphorus, manganese, cadmium or mercury or their compounds or alloys

2 Neoplasia of the skin or mucous membrane resulting from exposure to tar, pitch, bitumen, mineral or cutting oils or arsenic or their compounds, products or residue

3 Neoplasia of the renal tract in a worker employed in rubber compounding, in dyestuff manufacture or mixing or in a laboratory

4 Pneumoconiosis resulting from exposure to silica or silicate, including asbestos, talc, mica or coal

5 Toxic jaundice resulting from exposure to tetrachloroethane or nitro- or amido-derivatives of benzene or other hepato-toxic or haemato-toxic substances

6 Neoplasia or any form of sickness resulting from internal or external exposure to ionizing radiation or electro-magnetic radiation

7 Poisoning by the anti-cholinesterase action of an organophosphorous or carbamate compound

8 Any form of decompression illness

9 Toxic anaemia resulting from exposure to trinitrotoluene, or any other haematogenic poison, including chronic poisoning by benzene

10 Mesothelioma of the pleura or peritoneum

11 Angiosarcoma of the liver

12 Malignant neoplasm of the nasal cavities resulting from exposure to chromium or its compounds, wood dust or formaldehyde

13 Malignant neoplasm of the scrotum resulting from exposure to petroleum products

14 Malignant neoplasm of lymphatic or haematopoietic tissue resulting from exposure to benzene

15 Cataract resulting from exposure to ionizing radiation, electro-magnetic radiation or nitrophenols

16 Male infertility resulting from exposure to glycol ethers, lead or pesticides

17 Spontaneous abortion resulting from exposure to ethylene oxide or antineoplastic drugs

18 Inflammatory and toxic neuropathy resulting from exposure to organic solvents

19 Asthma resulting from exposure to isocyanates, red cedar, amines, acid anhydride, epoxy resin systems, reactive dyes, metal fumes or salts, enzymes or bisulphites

20 Extrinsic allergic alveolitis resulting from exposure to mould or organic dust.

TABLE 7
[*Subsections 3-11(2) and 4-8(1)*]

Prescribed Places of Employment

1. Types of places of employment:

   (a) hospitals, nursing homes and home care;

   (b) metal foundries and mills; and

   (c) mines.

2. Places of employment at which the following types of work are performed:

   (a) aerial crop spraying, operation of helicopters, water bombing;

   (b) autobody and automotive paint repairing, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fibreglassing boats and autos;

   (c) building construction;

   (d) camp catering;

   (e) farming and ranching;

   (f) forestry work other than pulp and paper production;

   (g) forwarding and warehousing as a business;

   (h) metal manufacturing and machining, marble works, concrete block and ready mix manufacturing;

   (i) oilwell servicing;

   (j) oil and gas drilling, well servicing with a rig, water well drilling;

   (k) processing meat, poultry and fish;

   (l) road construction and earthwork, urban sewer and water construction, tunnelling;

   (m) trucking;

   (n) wholesale baking, dairy products, soft drinks and food preparation and packaging.

TABLE 8
[*Definition of "high-hazard work" in section 5-1*]

Activities That Constitute High Hazard Work

Building construction
Drilling for gas, oil and minerals
Service for gas and oil wells and power tong service
Logging
Sawmilling
Iron and steel processing and fabrication
Road construction, earthwork, tunnelling and trenching
Local and provincial hauling and trucking
Mining and smelting
Exploration drilling, shaft sinking, quarrying and crushing of rocks
Manufacturing of concrete block, brick, artificial stone and other clay and cement products
Power line construction and maintenance.

TABLE 9
[*Clause 5-5(1)(a) and subsection 5-5(5)*]

Summary of First Aid Personnel Requirements[1]

Every place of employment requires a first aid kit containing standard supplies as identified through a workplace first aid risk assessment, a manual, a register and emergency information. First aid personnel requirements are listed below and are based on the level of risk associated with the work carried out at the place of employment as determined by a workplace first aid risk assessment:

No. of Workers	Low Risk	Moderate Risk	High Risk
2 - 25	• Class A attendant	• Class A attendant	• Class A attendant
26 - 50	• Class A attendant	• Class B attendant	• Class A attendant • Class B attendant
51 - 100	• Class A attendant	• Class A attendant • Class B attendant	• Class A attendant • Class B attendant • 1 person with a license to practice
100 +	• 2 Class A attendants	• 2 Class A attendants • 2 Class B attendants	• 2 Class A attendants • 2 Class B attendants • 1 person with a license to practise

TABLE 10
[*Section 6-8*]

Minimum Numbers of Toilet Facilities

Number of Toilet Facilities	
Number of Workers	Toilets
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
Add 1 toilet for each additional 30 workers or less.	

TABLE 11
[*Section 11-2*]

Minimum Training Requirements for Trained Operator of Powered Mobile Equipment

In this Table, **"PME"** means Power Mobile Equipment

I Course Content:

A. *Occupational Health and Safety Regulations, 2020* Related to Power Mobile Equipment (PME):
1. Duties of employers and operators
2. Protection of workers, risk assessment and visual inspection
3. Operation of PME

B. Types of PME:
1. Terminology
2. Types of PME
3. Specific design of PME to be operated
4. Manufactures requirements, recommendations and specifications regarding load ratings and safety factors

C. Site Evaluation:
1. Check route of travel, clearances and ground conditions, including the presence of workers, structures, power lines, underground services or other equipment that may constitute a hazard
2. Check site of operation, including the nature of ground, gradients and potentially dangerous situations and the appropriate response

D. PME Controls:
1. Identification and use of controls
2. Pre-start check/ Post-operating check
3. Start-up
4. Perform operating adjustments
5. Shut-down

E. Operation of PME:
1. Movement to location
2. Set-up of PME
3. Check for safety of other persons before movement
4. Safety precautions while PME is unattended, in storage or in transit

F. Rigging if applicable:
1. Inspection of ropes and rigging equipment
2. Reeving: sheaves; spools; drums; wire ropes
3. Rigging loads: hooks; safety catches; shackles; end fittings and connections
4. Rigging slings: configurations; angles; safe working loads
5. Safety factors for loads and workers, wire rope inspection and maintenance

G Signalling if applicable:
1. Designated signaler: position; visibility; number of
2. Methods of signaling: hand; radio

H Maintenance of PME if applicable:
1. Maintenance schedule; planned preventative maintenance
2. Inspection and repair procedures
3. Blocking and the safe position of parts during maintenance and servicing

I Maintenance/repair records if applicable:
1. Record inspections, repair, maintenance, calibrations and work activities
2. Hours of service
3. Signed by the authorized person performing inspection, maintenance and calibration

II Course Duration:

A minimum of 16 hours, classroom and practical training combined.

An employer or contractor shall conduct an examination of practical skills for each operator required or permitted to operate a specific type of powered mobile equipment.

If an operator has previous experience in operating a specific type of powered mobile equipment and can demonstrate the operator's ability to the satisfaction of the person directing the training program, that person, may accept the operator's previous training and experience as meeting all or any part of the requirements of the training program.

If an operator has not operated a specific type of powered mobile equipment for a period of 3 or more years or if the powered mobile equipment design has changed significantly, the employer or contractor shall evaluate, re-train and re-examine the operator to ensure the operator's competency.

TABLE 12
[Section 12-8]

Minimum Dimensions of Members of Light Duty Wooden[1] Scaffolds (Height Less Than 6 Metres)

Dimensions of Members of Half-horse Scaffolds

1 Ledgers	38 x 140 millimetres
2 Legs	38 x 89 millimetres
3 Braces	19 x 140 millimetres
4 Bearers	19 x 140 millimetres

Dimensions of Members of Single-pole Scaffolds

1 Uprights	38 x 89 millimetres
2 Bearers	2 - 19 x 140 millimetres
3 Ledgers	19 x 140 millimetres
4 Braces	19 x 140 millimetres

Dimensions of Members of Double-pole Scaffolds

1 Uprights	38 x 89 millimetres
2 Bearers	2 - 19 x 140 millimetres
3 Ledgers	19 x 140 millimetres
4 Braces	19 x 140 millimetres

Dimensions of Members of Bracket Scaffolds

1 Uprights	38 x 89 millimetres
2 Bearers	38 x 89 millimetres
3 Braces	38 x 89 millimetres
4 Gusset[2]	19 millimetre plywood

[1] Number 1 structural grade spruce lumber or material of equivalent or greater strength.

[2] **"Gusset"** means a brace or angle bracket that is used to stiffen a corner or angular piece of work.

TABLE 13
[*Subsection 13-6(1), definition of "competent worker"*]

Minimum Training Requirements for Competent Operator of a Crane

I Course Content:

A *Occupational Health and Safety Regulations, 2020* Related to Cranes:

Duties of employers and operators
Protection of workers
Approved standards for cranes
Operation of cranes
Maintenance of cranes
Signalling

B Types of Cranes:

Terminology
Types of cranes
Specific design of crane to be operated
Basic geometry of cranes, including effect of configuration changes and operating in different quadrants

C Site Evaluation:

Check route of travel, clearances and ground conditions, including the presence of structures, power lines or other equipment that may constitute a hazard
Check site of operation, including the nature of ground, gradients, stabilizers, tire pressure and blocking under outriggers
Identify potentially dangerous situations and the appropriate response

D Crane Controls:

Identify and use controls
Pre-start check
Start-up
Shut-down
Post-operating check
Perform operating adjustments

E Operation of Crane:

Movement to location
Set-up; extend stabilizers and outriggers
Change configuration; insert boom sections; extensions; jibs; counterweights
Check for safety of other persons before movement
Safety precautions while crane is unattended, in storage or in transit

F Load Estimation

Load gauge incorporated in the crane
Calculation of load from material density and volume
Incorporate weight of attachments, hook, block and headache ball

G Establish Capability of Crane:

Implications of moments, leverage and mechanical advantage on capability
Use of load charts to determine capability
Effect of boom length, angle and load radius
Effect of configuration changes, boom extension and jib
Centre of gravity
Abnormal loading; wind velocity
Multi-crane hoists

H Rigging:

Inspection of ropes and rigging equipment
Reeving: sheaves; spools; drums; wire ropes
Rigging loads: hooks; safety catches; shackles; end fittings and connections
Rigging slings: configurations; angles; safe working loads
Safety factors for loads and workers

I Signalling:

Designated signaller: position; visibility; number
Methods of signalling: hand; radio
Standard hand signals

J Maintenance of Crane:

Maintenance schedule; planned preventative maintenance
Inspection and repair procedures
Blocking and the safe position of parts during maintenance
Wire rope inspection and maintenance

K Log Books:

Record inspections, maintenance, calibrations and work activities
Hours of service
Signed by employer and person performing inspection, maintenance and calibration

II Course Duration:

A Overhead travelling crane or hoist: 40 hours, classroom and practical.

B Tower or mobile crane: 100 hours, classroom and practical.

C Crane used to raise or lower a worker in a personnel-lifting unit on a hoist line: 20 hours of classroom and 200 hours of practical experience operating the crane in addition to the requirements set out in items A and B.

TABLE 14
[*Sections 17-6 and 17-7*]

Excavation and Trench Shoring

Trench or Excavation Depth	Soil Type	Uprights	Braces				Wales
			Width of Excavation or Trench at Brace Location		Brace Spacing		
			1.8 m to 3.6 m	Up to 1.8 m	Vertical	Horizontal	
3.0 m or less	1	50 mm × 200 mm at 1.2 m o/c	200 mm × 200 mm	150 mm × 150 mm	1.2 m	*2.4 m	*200 mm × 200 mm
	2	50 mm × 200 mm at 1.2 m o/c	200 mm × 200 mm	150 mm × 150 mm	1.2 m	*2.4 m	*200 mm × 200 mm
	3	50 mm × 200 mm at 10 mm gap	200 mm × 200 mm	200 mm × 200 mm	1.2 m	2.4 m	250 mm × 250 mm
	4	75 mm × 200 mm at 10 mm gap	250 mm × 250 mm	200 mm × 200 mm	1.2 m	2.4 m	300 mm × 300 mm
Over 3.0 m to 4.5 m	1	50 mm × 200 mm with 10 mm gap	200 mm × 200 mm	150 mm × 150 mm	1.2 m	2.4 m	200 mm × 200 mm
	2	50 mm × 200 mm with 10 mm gap	200 mm × 200 mm	200 mm × 200 mm	1.2 m	2.4 m	250 mm × 250 mm
	3	50 mm × 200 mm with 10 mm gap	250 mm × 250 mm	250 mm × 250 mm	1.2 m	2.4 m	250 mm × 250 mm
Over 3.0 m to 4.0 m	4	75 mm × 200 mm with 10 mm gap	300 mm × 300 mm	300 mm × 300 mm	1.2 m	2.4 m	300 mm × 300 mm
Over 4.5 m to 6.0 m	1	50 mm × 200 mm with 10 mm gap	200 mm × 200 mm	200 mm × 200 mm	1.2 m	2.4 m	200 mm × 200 mm
	2	50 mm × 200 mm with 10 mm gap	250 mm × 250 mm	250 mm × 250 mm	1.2 m	2.4 m	250 mm × 250 mm
	3	50 mm × 200 mm with 10 mm gap	300 mm × 300 mm	300 mm × 300 mm	1.2 m	2.4 m	300 mm × 300 mm

* Note: for excavations and trenches to 3 m deep in soil types 1 and 2, the wales can be omitted if the braces are used at 1.2 m horizontal spacings.

TABLE 15
[*Subsection 19-7(1), definition of "column"*]

Hours of Work and Rest Periods for Work in Compressed Air

Column 1 Air pressure for 1 working period	**Column 2** max. hours of work per 24 hours	**Column 3** max. hours of work, 1st period	**Column 4** min. hours of rest, 1st period	**Column 5** max. hours of work, 2nd period	**Column 6** min. hours of rest, 2nd period
Less than 96 kilopascals	7.5	3.75	1.25	3.25	0.25
96 kilopascals or more but less than 138 kilopascals	6	3	2.25	3	0.75
138 kilopascals or more but less than 180 kilopascals	4	2	3.5	2	1.5
180 kilopascals or more but less than 220 kilopascals	3	1.5	4.5	1.5	1.5
220 kilopascals or more but less than 262 kilopascals	2	1	5	1	2
262 kilopascals or more but less than 303 kilopascals	1.5	0.75	5.5	0.75	2
303 kilopascals or more but less than 345 kilopascals	1	0.5	6	0.5	2

TABLE 16
[*Sections 21-4 and 21-10*]

Notifiable Chemical and Biological Substances

A. Any of the following chemical substances or any mixture containing more than 1% of any of them:

CAS NUMBER	**CHEMICAL SUBSTANCE**
92-67-1	4-Aminobiphenyl
492-80-8	Auramine
92-87-5	Benzidine
542-88-1	bis(Chloromethyl) ether
119-90-4	o-Dianisidine
91-94-1	3,3'-Dichlorobenzidine
107-30-2	Methyl chloromethyl ether
50-60-2	Mustard gas
91-59-8	2-Naphthylamine
92-93-3	4-Nitrobiphenyl
75-01-4	Vinyl chloride

B. Any of the following biological substances:

Genetically modified[1] microorganisms[2]

[1] "genetically modified" means genetic combinations not known to occur naturally.

[2] "microorganisms" means any organism or consortium of organisms of microscopic size, including bacteria, protozoa, fungi, algae and viruses.

TABLE 17
[*Sections 21-5 and 21-10*]

Designated Chemical Substances

1. Any mixture containing less than 1% of any chemical substance listed in Table 16.
2. Any of the following chemical substances:

CAS* NUMBER	**CHEMICAL SUBSTANCE**
75-07-0	Acetaldehyde
60-35-5	Acetamide
79-06-1	Acrylamide
107-13-1	Acrylonitrile
1402-68-2	Aflatoxins
60-09-3	para-Aminoazobenzene
97-56-3	ortho-Aminoazotoluene
712-68-5	2-Amino-5(5-nitro-2-furyl)-1,3,4-thiadiazole
61-82-5	Amitrole
90-04-0	ortho-Anisidine
1309-64-4	Antimony trioxide
7440-38-2	Arsenic and arsenic mixtures
1332-21-4	Asbestos
1912-24-9	Atrazine
151-56-4	Aziridine
98-87-3	Benzal chloride
71-43-2	Benzene
	Benzidine-based dyes
271-89-6	Benzofuran
98-07-7	Benzotrichloride
98-88-4	Benzoyl chloride
100-44-7	Benzyl chloride
1694-09-3	Benzyl violet 4B
	Beryllium and beryllium compounds
75-27-4	Bromodichloromethane
3296-90-0	2,2-bis(bromomethyl)propane-1,3,-diol
106-99-0	1,3-Butadiene
3068-88-0	beta-Butyrolactone
25013-16-5	Butylated hydroxyanisole
	Cadmium and cadmium compounds
2425-06-1	Captafol
56-23-5	Carbon tetrachloride
9000-07-01	Carrageenan, degraded
———————	Chlordane isomers
115-28-6	Chlorendic acid
———————	Chlorinated paraffins

CAS* NUMBER	CHEMICAL SUBSTANCE
106-47-8	para-chloroaniline
67-66-3	Chloroform
95-57-8	2-Chlorophenol
108-43-0	3-Chlorophenol
106-48-9	4-Chlorophenol
95-83-0	4-Chloro-ortho-phenylenediamine
95-69-2	para-Chloro-ortho-toluidine
1897-45-6	Chlorothalonil
———————	Chromium compounds, hexavalent
6459-94-5	CI Red 114
569-61-9	CI Basic Red 9
2429-74-5	CI Direct Blue 15
6358-53-8	Citrus Red 2
8007-45-2	Coal-tar pitches
8007-45-2	Coal-tars
———————	Cobalt and cobalt compounds
8001-58-9	Creosotes
120-71-8	para-Cresidine
14901-08-7	Cycasin
———————	DDT and isomers
613-35-4	N,N'-Diacetylbenzidine
615-05-4	2,4-Diaminoanisole
101-80-4	4,4'-Diaminodiphenyl ether
95-80-7	2,4-Diaminotoluene
334-88-3	Diazomethane
226-36-8; 224-42-0	Dibenzacridine
96-12-8	1,2-Dibromo-3-chloropropane
79-43-6	Dichloroacetic acid
106-46-7	para-Dichlorobenzene
764-41-0	1,4-Dichloro-2-butene
107-06-2	1,2-Dichloroethane
75-09-2	Dichloromethane
542-75-6	1,3-Dichloropropene (technical grade)
62-73-7	Dichlorovos
1464-53-5	Diepoxybutane
117-81-7	Di(2-ethylhexyl)phthalate
	Diesel engine exhaust
1615-80-1	1,2-Diethylhydrazine
64-67-5	Diethyl sulphate
101-90-6	Diglycidyl resorcinol ether
2973-10-6	Diisopropyl sulphate

CAS* NUMBER	CHEMICAL SUBSTANCE
79-44-7	Dimethylcarbamoyl chloride
68-12-2	Dimethylformamide
57-14-7	1,1-Dimethylhydrazine
540-73-8	1,2-Dimethylhydrazine
77-78-1	Dimethyl sulphate
———————	Dinitropyrenes
25321-14-6	Dinitrotoluene
123-91-1	1,4-Dioxane
2475-48-8	Disperse blue
106-89-8	Epichlorohydrin
106-88-7	1,2-Epoxybutane
66733-21-9	Erionite
140-88-5	Ethyl acrylate
100-41-4	Ethyl Benzene
74-96-4	Ethyl bromide
106-93-4	Ethylene dibromide
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
62-50-0	Ethyl methanesulphonate
759-73-9	N-Ethyl-N-nitrosourea
50-00-0	Formaldehyde
3570-75-0	2-(2-Formylhydrazino)-4-(5-nitro-2-furyl) thiazole
———————	Gasoline
765-34-4	Glycidaldehyde
2784-94-3	HC Blue 1
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
608-73-1	Hexachlorocyclohexanes
67-72-1	Hexachloroethane
680-31-9	Hexamethylphosphoramide
302-01-2	Hydrazine
22398-80-7	Indium phosphide
193-39-5	Indone[1,2,3-cd]pyrene
78-79-5	Isoprene
143-50-0	Kepone
———————	Lead (+ compounds), inorganics
632-99-5	Magenta (contains CI Basic Red 9)
———————	Marine diesel fuels
484-20-8	5-Methoxypsoralen
75-55-8	2-Methylaziridine

CAS* NUMBER	CHEMICAL SUBSTANCE
101-14-4	4,4'-Methylene bis(2-chloroaniline)
838-88-0	4,4'-Methylene bis(2-methylaniline)
101-77-9	4,4'-Methylene dianiline
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide
————————	Methylmercury Compounds
66-27-3	Methyl methanesulphonate
129-15-7	2-Methyl-1-nitroanthraquinone
684-93-5	N-Methyl-N-nitrosourea
615-53-2	N-Methyl-N-nitrosourethane
8012-95-1	Mineral oils, untreated and mildly treated
2385-85-5	Mirex
50-60-2	Mustard gas
————————	Nickel (+ compounds)
12035-72-2	Nickel subsulphide
————————	Nitrilotriacetic acid and its salts
1836-75-5	Nitrofen (technical grade)
607-57-8	2-Nitrofluorene
555-84-0	1-[(5-Nitrofurfurylidene) amino]-2-imidazolidinone
51-75-2	Nitrogen mustard
79-46-9	2-Nitropropane
5522-43-0; 57835-92-4	Nitropyrene isomers
924-16-3	N-Nitrosodi-n-butylamine
1116-54-7	N-Nitrosodiethanolamine
55-18-5	N-Nitrosodiethylamine
62-75-9	N-Nitrosodimethylamine
621-64-7	N-Nitrosodi-N-propylamine
4549-40-0	N-Nitrosomethylvinylamine
59-89-2	N-Nitrosomorpholine
16543-55-8	N-Nitrosonornicotine
100-75-4	N-Nitrosopiperidine
930-55-2	N-Nitrosopyrrolidine
13256-22-9	N-Nitrososarcosine
2646-17-5	Oil orange SS
12174-11-7	Palygorskite (attapulgite)(long fibres, > 5 micron
————————	Penta/hexa cyclic unsubstituted aromatic hydrocarbons
135-88-6	N-Phenyl-beta-naphthylamine
95-54-5	o-Phenylenediamine
122-60-1	Phenylglycidyl ether
100-63-0	Phenylhydrazine
36355-01-8	Polybrominated biphenyls

CAS* NUMBER	CHEMICAL SUBSTANCE
1336-36-3	Polychlorinated biphenyls
3564-0908; 3761-53-3	Ponceau 3R
7758-01-2	Potassium bromate
1120-71-4	1,3-Propane sultone
57-57-8	ß-Propiolactone
75-55-8	Propylene imine
75-56-9	Propylene oxide
	Refractory ceramic fibres
———————	Residual fuel oils (heavy fuel oils)
94-59-7	Safrole
68308-34-9	Shale-oils
———————	Silica crystalline (respirable size)
409-21-2	Silicon carbide, fibrous (including whiskers)
132-27-4	Sodium ortho-phenylphenate
———————	Soots from pyrolysis of heating fuels
100-42-5	Styrene
96-09-3	Styrene-7,8-oxide
95-06-7	Sulphallate
	Sulphuric acid (strong acid mist exposure, only)
1746-01-6	2,3,7,8-Tetrachlorodibenzo-para-dioxin
127-18-4	Tetrachloroethylene
116-14-3	Tetrafluoroethylene
509-14-8	Tetranitromethane
62-55-5	Thioacetamide
139-65-1	Thiodianiline
141-90-2	Thiouracil
62-56-6	Thiourea
119-93-7	ortho-Tolidine
584-84-9	Toluene diisocyanates
95-53-4	ortho-Toluidine
106-49-0	para-Toluidine
8001-35-2	Chlorinated camphene
52-24-4	Tris(1-aziridinyl)phosphine sulphide
126-72-7	Tris(2,3-dibromopropyl)phosphate
72-57-1	Trypan Blue
	Uranium, (natural) soluble and insoluble compounds
51-79-6	Urethane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
100-40-3	4-Vinyl cyclohexene

CAS* NUMBER	**CHEMICAL SUBSTANCE**
106-87-6	Vinyl cyclohexene dioxide
75-02-5	Vinyl fluoride
	Wood dusts (Oak, Beech, Birch, Mahogany, Teak and Walnut)
13530-65-9; 11103-86-9; 37300-23-5	Zinc chromates
1300-73-8	Xylidine isomers

* CAS means the Chemical Abstracts Service Division of the American Chemical Society.

TABLE 18
[*Sections 21-6 and 21-8, definition of "silica process" in section 24-1*]

Contamination Limits

Also check Tables 16 and 17 for substances (such as asbestos and benzene) with additional requirements

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
75-07-0	Acetaldehyde	**C25 ppm		T20
64-19-7	Acetic acid	10 ppm	15 ppm	
108-24-7	Acetic anhydride	5 ppm	10 ppm	
67-64-1	Acetone	500 ppm	750 ppm	
75-86-5	Acetone cyanohydrin, as CN	**C5 mg/m³		Skin
75-05-8	Acetonitrile	20 ppm	30 ppm	Skin
98-86-2	Acetophenone	10 ppm	15 ppm	
79-27-6	Acetylene tetrabromide	1 ppm	3 ppm	
50-78-2	Acetylsalicylic acid	5 mg/m³	10 mg/m³	
107-02-8	Acrolein	**C0.1 ppm		Skin
79-06-1	Acrylamide (inhalable fraction++ and vapour)	0.03 mg/m³	0.09 mg/m³	T20, Skin
79-10-7	Acrylic acid	2 ppm	4 ppm	Skin
107-13-1	Acrylonitrile	2 ppm	4 ppm	Skin, T20
124-04-9	Adipic acid	5 mg/m³	10 mg/m³	
111-69-3	Adiponitrile	2 ppm	4 ppm	Skin
309-00-2	Aldrin	0.25 mg/m³	0.75 mg/m³	Skin
	Aliphatic hydrocarbon gases, Alkane [C1-C4]	1000 ppm	1250 ppm	
107-18-6	Allyl alcohol	0.5 ppm	1.5 ppm	Skin
107-05-1	Allyl chloride	1 ppm	2 ppm	
106-92-3	Allyl glycidyl ether (AGE)	1 ppm	3 ppm	
2179-59-1	Allyl propyl disulphide	0.5 ppm	1.5 ppm	SEN
7429-90-5	Aluminum and compounds (as Al):			
	Metal dust	10 mg/m³	20 mg/m³	
	Pyro powders	5 mg/m³	10 mg/m³	
	Soluble salts	2 mg/m³	4 mg/m³	
	Alkyls, not otherwise specified	2 mg/m³	4 mg/m³	
1344-28-1	Aluminum oxide	10 mg/m³	20 mg/m³	
504-29-0	2-Aminopyridine	0.5 ppm	1.0 ppm	
61-82-5	Amitrole	0.2 mg/m³	0.6 mg/m³	T20
7664-41-7	Ammonia	25 ppm	35 ppm	
12125-02-9	Ammonium chloride fume	10 mg/m³	20 mg/m³	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
3825-26-1	Ammonium perfluorooctanoate	0.01 mg/m³	0.03 mg/m³	Skin
7773-06-0	Ammonium sulphamate (Ammate)	10 mg/m³	20 mg/m³	
994-05-8	tert-Amyl methyl ether (TAME)	20 ppm	30 ppm	
62-53-3	Aniline	2 ppm	4 ppm	Skin
90-04-0	o-Anisidine	0.5 mg/m³	1.5 mg/m³	Skin, T20
104-94-9	p-Anisidine	0.5 mg/m³	1.5 mg/m³	Skin
7440-36-0	Antimony and compounds, (as Sb)	0.5 mg/m³	1.5 mg/m³	
86-88-4	ANTU (alpha-Naphthyl thiourea)	0.3 mg/m³	0.9 mg/m³	
7440-38-2	Arsenic, and inorganic compounds, (as As)	0.01 mg/m³	0.03 mg/m³	T20
7784-42-1	Arsine	0.05 ppm	0.15 ppm	
8052-42-4	Asphalt (bitumen) fume, as benzene soluble aerosol (inhalable fraction++)	0.5 mg/m³	1.5 mg/m³	
1912-24-9	Atrazine	5 mg/m³	10 mg/m³	T20
86-50-0	Azinphos-methyl (inhalable fraction++ and vapour)	0.2 mg/m³	0.6 mg/m³	Skin; SEN
7440-39-3	Barium and soluble compounds, (as Ba)	0.5 mg/m³	1.5 mg/m³	
7727-43-7	Barium sulphate	10 mg/m³	20 mg/m³	
17804-35-2	Benomyl	10 mg/m³	20 mg/m³	
98-07-7	Benzotrichloride	**C0.1 ppm		Skin, T20
98-88-4	Benzoyl chloride	**C0.5 ppm		T20
94-36-0	Benzoyl peroxide	5 mg/m³	10 mg/m³	
140-11-4	Benzyl acetate	10 ppm	20 ppm	
100-44-7	Benzyl chloride	1 ppm	2 ppm	T20
7440-41-7	Beryllium and compounds, (as Be)	0.002 mg/m³	0.01 mg/m³	T20
92-52-4	Biphenyl (diphenyl)	0.2 ppm	0.6 ppm	
3033-62-3	Bis (2-dimethylaminoethyl) ether (DMAEE)	0.05 ppm	0.15 ppm	Skin
1304-82-1	Bismuth telluride			
	Undoped	10 mg/m³	20 mg/m³	
	Se-doped, as Bi_2Te_3	5 mg/m³	10 mg/m³	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
1330-43-4; 1303-96-4; 10043-35-3; 12179-04-3	Borate compounds, inorganic (inhalable fraction⁺⁺)	2 mg/m³	6 mg/m³	
1303-86-2	Boron oxide	10 mg/m³	20 mg/m³	
10294-33-4	Boron tribromide	**C1 ppm		
7637-07-2	Boron trifluoride	**C1 ppm		
314-40-9	Bromacil	10 mg/m³	20 mg/m³	
7726-95-6	Bromine	0.1 ppm	0.2 ppm	
7789-30-2	Bromine pentafluoride	0.1 ppm	0.3 ppm	
74-97-5	Bromochloromethane (Chlorobromomethane)	200 ppm	250 ppm	
75-25-2	Bromoform	0.5 ppm	1.5 ppm	Skin
106-94-5	1-Bromopropane	10 ppm	20 ppm	
106-99-0	1,3-Butadiene	2 ppm	4 ppm	T20
106-97-8; 75-28-5	Butane, All isomers	See Aliphatic hydrocarbon gases [C1-C4]		
111-76-2	2-Butoxyethanol (Butyl Cellosolve or EGBE)	20 ppm	30 ppm	
112-07-2	2-Butoxyethyl acetate (EGBEA)	20 ppm	30 ppm	
123-86-4	n-Butyl acetate	150 ppm	200 ppm	
105-46-4	sec-Butyl acetate	200 ppm	250 ppm	
540-88-5	tert-Butyl acetate	200 ppm	250 ppm	
141-32-2	n-Butyl acrylate	2 ppm	4 ppm	SEN
71-36-3	n-Butyl alcohol (n-butanol)	20 ppm	30 ppm	
78-92-2	sec-Butyl alcohol (sec-butanol)	100 ppm	125 ppm	
75-65-0	tert-Butyl alcohol (tert-butanol)	100 ppm	125 ppm	
109-73-9	n-Butylamine	**C5 ppm		Skin
1189-85-1	tert-Butyl chromate, (as CrO_3)	**C0.1 mg/m³		Skin
2426-08-6	n-Butyl glycidyl ether (BGE)	3 ppm	6 ppm	Skin, SEN
138-22-7	n-Butyl lactate	5 ppm	10 ppm	
109-79-5	n-Butyl mercaptan	0.5 ppm	1.5 ppm	
89-72-5	o-sec-Butylphenol	5 ppm	7 ppm	Skin
98-51-1	p-tert-Butyltoluene	1 ppm	2 ppm	
7440-43-9	Cadmium, and compounds, (as Cd):			T20
	(total fraction)	0.01 mg/m³	0.03 mg/m³	
	(respirable fraction⁺⁺)	0.002 mg/m³	0.006 mg/m³	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
1317-65-3	Calcium carbonate	10 mg/m³	20 mg/m³	
13765-19-0	Calcium chromate, (as Cr)	0.001 mg/m³	0.003 mg/m³	
156-62-7	Calcium cyanamide	0.5 mg/m³	1.5 mg/m³	
1305-62-0	Calcium hydroxide	5 mg/m³	10 mg/m³	
1305-78-8	Calcium oxide	2 mg/m³	4 mg/m³	
1344-95-2	Calcium silicate, synthetic nonfibrous	10 mg/m³	20 mg/m³	
76-22-2	Camphor, synthetic	2 ppm	3 ppm	
105-60-2	Caprolactam (inhalable fraction++ and vapour)	5 mg/m³	10 mg/m³	
2425-06-1	Captafol	0.1 mg/m³	0.3 mg/m³	Skin, T20
133-06-2	Captan (inhalable fraction++)	5 mg/m³	10 mg/m³	SEN
63-25-2	Carbaryl	5 mg/m³	10 mg/m³	
1563-66-2	Carbofuran (inhalable fraction++ and vapour)	0.1 mg/m³	0.3 mg/m³	
1333-86-4	Carbon black	3.5 mg/m³	7 mg/m³	
124-38-9	Carbon dioxide	5000 ppm	30,000 ppm	
75-15-0	Carbon disulphide	10 ppm	15 ppm	Skin
630-08-0	Carbon monoxide	25 ppm	190 ppm	
558-13-4	Carbon tetrabromide	0.1 ppm	0.3 ppm	
75-44-5	Carbonyl chloride (Phosgene)	0.1 ppm	0.3 ppm	
353-50-4	Carbonyl fluoride	2 ppm	5 ppm	
120-80-9	Catechol (Pyrocatechol)	5 ppm	7.8 ppm	Skin
9004-34-6	Cellulose (paper fibre)	10 mg/m³	20 mg/m³	
21351-79-1	Cesium hydroxide	2 mg/m³	4 mg/m³	
57-74-9	Chlordane	0.5 mg/m³	1.5 mg/m³	Skin
8001-35-2	Chlorinated camphene	0.5 mg/m³	1 mg/m³	Skin, T20
31242-93-0	o-Chlorinated diphenyl oxide	0.5 mg/m³	1.5 mg/m³	
7782-50-5	Chlorine	0.5 ppm	1 ppm	
10049-04-4	Chlorine dioxide	0.1 ppm	0.3 ppm	
7790-91-2	Chlorine trifluoride	**C 0.1 ppm		
107-20-0	Chloroacetaldehyde	**C1 ppm		
78-95-5	Chloroacetone	**C1 ppm		Skin
532-27-4	alpha-Chloroaceto-phenone (Phenacyl chloride)	0.05 ppm	0.15 ppm	
79-04-9	Chloroacetyl chloride	0.05 ppm	0.15 ppm	Skin
108-90-7	Chlorobenzene (Monochlorobenzene)	10 ppm	15 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
2698-41-1	o-Chlorobenzylidene malononitrile	**C0.05 ppm		Skin
126-99-8	2-Chloro-1,3-butadiene (beta-Chloroprene)	10 ppm	15 ppm	Skin
75-45-6	Chlorodifluoromethane	1000 ppm	1250 ppm	
53469-21-9	Chlorodiphenyl (42% chlorine)	1 mg/m^3	3 mg/m^3	Skin
11097-69-1	Chlorodiphenyl (54% chlorine)	0.5 mg/m^3	1.5 mg/m^3	Skin
107-07-3	2-Chloroethanol (Ethylene chlorohydrin)	**C1.0 ppm		Skin
600-25-9	1-Chloro-1-nitropropane	2 ppm	4 ppm	
76-15-3	Chloropentafluoroethane	1000 ppm	1250 ppm	
76-06-2	Chloropicrin	0.1 ppm	0.3 ppm	
127-00-4; 78-89-7	1-Chloro-2-propanol and 2-Chloro-1-propanol	1 ppm	3 ppm	Skin
598-78-7	2-Chloropropionic acid	0.1 ppm	0.3 ppm	Skin
2039-87-4	o-Chlorostyrene	50 ppm	75 ppm	
95-49-8	o-Chlorotoluene	50 ppm	65 ppm	
2921-88-2	Chlorpyrifos, (inhalable fraction++ and vapour)	0.1 mg/m^3	0.3 mg/m^3	Skin
7440-47-3	Chromium metal and inorganic compounds, (as Cr):			
	Metal and Cr (III) compounds	0.5 mg/m^3	1.5 mg/m^3	
	Water soluble Cr (VI) compounds	0.05 mg/m^3	0.15 mg/m^3	T20
	Insoluble Cr (VI) compounds	0.01 mg/m^3	0.03 mg/m^3	T20
14977-61-8	Chromyl chloride	0.025 ppm	0.07 ppm	
2971-90-6	Clopidol	10 mg/m^3	20 mg/m^3	
	Coal dust:			
	Anthracite (respirable fraction++)	0.4 mg/m^3	1.2 mg/m^3	
	Bituminous (respirable fraction++)	0.9 mg/m^3	2.7 mg/m^3	
65996-93-2	Coal tar pitch volatiles, as benzene soluble aerosol (See Particulate polycyclic aromatic hydrocarbons)	0.2 mg/m^3	0.6 mg/m^3	T20
7440-48-4	Cobalt and inorganic compounds, (as Co)	0.02 mg/m^3	0.06 mg/m^3	T20

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
10210-68-1	Cobalt carbonyl, (as Co)	0.1 mg/m³	0.3 mg/m³	
16842-03-8	Cobalt hydrocarbonyl, (as Co)	0.1 mg/m³	0.3 mg/m³	
7440-50-8	Copper, (as Cu):			
	fume	0.2 mg/m³	0.6 mg/m³	
	dusts and mists	1 mg/m³	3 mg/m³	
————	Cotton dust, raw	0.2 mg/m³	0.6 mg/m³	
1319-77-3	Cresol, all isomers	5 ppm	10 ppm	Skin
4170-30-3	Crotonaldehyde	**C 0.3 ppm		Skin
299-86-5	Crufomate	5 mg/m³	10 mg/m³	
98-82-8	Cumene	50 ppm	74 ppm	
420-04-2	Cyanamide	2 mg/m³	4 mg/m³	
460-19-5	Cyanogen	10 ppm	15 ppm	
506-77-4	Cyanogen chloride	**C0.3 ppm		
110-82-7	Cyclohexane	100 ppm	150 ppm	
108-93-0	Cyclohexanol	50 ppm	62 ppm	Skin
108-94-1	Cyclohexanone	20 ppm	50 ppm	Skin
110-83-8	Cyclohexene	300 ppm	375 ppm	
108-91-8	Cyclohexylamine	10 ppm	15 ppm	
121-82-4	Cyclonite (RDX)	0.5 mg/m³	1.5 mg/m³	Skin
542-92-7	Cyclopentadiene	75 ppm	94 ppm	
287-92-3	Cyclopentane	600 ppm	900 ppm	
13121-70-5	Cyhexatin	5 mg/m³	10 mg/m³	
94-75-7	2,4-D (2,4-Dichlorophenoxyacetic acid)	10 mg/m³	20 mg/m³	
50-29-3	DDT (Dichlorodiphenyltrichloro-ethane)	1 mg/m³	3 mg/m³	T20
17702-41-9	Decaborane	0.05 ppm	0.15 ppm	Skin
8065-48-3	Demeton (inhalable fraction⁺⁺ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
919-86-8	Demeton-S-methyl, (inhalable fraction⁺⁺ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin, SEN
123-42-2	Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50 ppm	60 ppm	
333-41-5	Diazinon, (inhalable fraction⁺⁺ and vapour)	0.01 mg/m³	0.03 mg/m³	Skin
334-88-3	Diazomethane	0.2 ppm	0.6 ppm	T20

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
19287-45-7	Diborane	0.1 ppm	0.3 ppm	
102-81-8	2-N-Dibutylaminoethanol	0.5 ppm	1 ppm	Skin
2528-36-1	Dibutyl phenyl phosphate	0.3 ppm	0.6 ppm	Skin
107-66-4	Dibutyl phosphate	1 ppm	2 ppm	
84-74-2	Dibutyl phthalate	5 mg/m^3	10 mg/m^3	
79-43-6	Dichloroacetic acid	0.5 ppm	1.5 ppm	Skin, T20
7572-29-4	Dichloracetylene	**C0.1 ppm		
95-50-1	o-Dichlorobenzene	25 ppm	50 ppm	
106-46-7	p-Dichlorobenzene	10 ppm	15 ppm	T20
764-41-0	1,4-Dichloro-2-butene	0.005 ppm	0.015 ppm	Skin, T20
75-71-8	Dichlorodifluoromethane	1000 ppm	1250 ppm	
118-52-5	1,3-Dichloro-5, 5-dimethyl hydantoin	0.2 mg/m^3	0.4 mg/m^3	
75-34-3	1,1-Dichloroethane	100 ppm	125 ppm	
540-59-0; 156-59-2; 156-60-5	1,2-Dichloroethylene, all isomers	200 ppm	250 ppm	
111-44-4	Dichloroethyl ether	5 ppm	10 ppm	Skin
75-43-4	Dichlorofluoromethane	10 ppm	15 ppm	
75-09-2	Dichloromethane	50 ppm	75 ppm	T20
594-72-9	1,1-Dichloro-1-nitroethane	2 ppm	4 ppm	
542-75-6	1,3-Dichloropropene	1 ppm	2 ppm	Skin, T20
75-99-0	2,2-Dichloropropionic acid, (inhalable fraction++)	5 mg/m^3	10 mg/m^3	
76-14-2	Dichlorotetra-fluoroethane	1000 ppm	1250 ppm	
62-73-7	Dichlorvos (DDVP), (inhalable fraction++ and vapour)	0.1 mg/m^3	0.3 mg/m^3	Skin, SEN, T20
141-66-2	Dicrotophos, (inhalable fraction++ and vapour)	0.05 mg/m^3	0.15 mg/m^3	Skin
77-73-6	Dicyclopentadiene	5 ppm	8 ppm	
102-54-5	Dicyclopentadienyl iron	10 mg/m^3	20 mg/m^3	
60-57-1	Dieldrin	0.25 mg/m^3	0.75 mg/m^3	Skin
683334-30-5; 68476-30-2; 68476-31-3; 68476-34-6; 77650-28-3	Diesel fuel as total hydrocarbons, (vapour)	100 mg/m^3	150 mg/m^3	Skin
111-42-2	Diethanolamine	2 mg/m^3	4 mg/m^3	Skin
109-89-7	Diethylamine	5 ppm	15 ppm	Skin
100-37-8	2-Diethylaminoethanol	2 ppm	4 ppm	Skin

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
111-40-0	Diethylene triamine	1 ppm	2 ppm	Skin
96-22-0	Diethyl ketone	200 ppm	300 ppm	
84-66-2	Diethyl phthalate	5 mg/m^3	10 mg/m^3	
75-61-6	Difluorodibromomethane	100 ppm	125 ppm	
2238-07-5	Diglycidyl ether (DGE)	0.1 ppm	0.3 ppm	
108-83-8	Diisobutyl ketone	25 ppm	30 ppm	
108-18-9	Diisopropylamine	5 ppm	7 ppm	Skin
127-19-5	N,N-Dimethylacetamide	10 ppm	15 ppm	Skin
124-40-3	Dimethylamine	5 ppm	15 ppm	
121-69-7	Dimethylaniline (N,N-Dimethylaniline)	5 ppm	10 ppm	Skin
14857-34-2	Dimethylethoxysilane	0.5 ppm	1.5 ppm	
68-12-2	Dimethylformamide	10 ppm	15 ppm	Skin, T20
57-14-7	1,1-Dimethylhydrazine	0.01 ppm	0.03 ppm	Skin, T20
131-11-3	Dimethylphthalate	5 mg/m^3	10 mg/m^3	
77-78-1	Dimethyl sulphate	0.1 ppm	0.3 ppm	Skin, T20
75-18-3	Dimethyl sulphide	10 ppm	20 ppm	
148-01-6	Dinitolmide	5 mg/m^3	10 mg/m^3	
528-29-0; 99-65-0; 100-25-4; 25154-54-5	Dinitrobenzene (all isomers)	0.15 ppm	0.30 ppm	Skin
534-52-1	Dinitro-o-cresol	0.2 mg/m^3	0.6 mg/m^3	Skin
25321-14-6	Dinitrotoluene	0.2 mg/m^3	0.6 mg/m^3	Skin, T20
123-91-1	1,4-Dioxane	20 ppm	30 ppm	Skin, T20
78-34-2	Dioxathion (inhalable fraction++ and vapour)	0.1 mg/m^3	0.3 mg/m^3	Skin
646-06-0	1,3-Dioxolane	20 ppm	30 ppm	
122-39-4	Diphenylamine	10 mg/m^3	20 mg/m^3	
34590-94-8	Dipropylene glycol methyl ether (DPGME)	100 ppm	150 ppm	Skin
123-19-3	Dipropyl ketone	50 ppm	60 ppm	
2764-72-9;	Diquat:			
85-00-7;	(inhalable fraction++)	0.5 mg/m^3	1.5 mg/m^3	Skin
6385-62-2	(respirable fraction++)	0.1 mg/m^3	0.3 mg/m^3	Skin
117-81-7	Di-sec, octyl phthalate (Di-2-ethylhexyl phthalate or DEHP)	5 mg/m^3	10 mg/m^3	T20
97-77-8	Disulphiram	2 mg/m^3	4 mg/m^3	
298-04-4	Disulphoton, (inhalable fraction++ and vapour)	0.05 mg/m^3	0.15 mg/m^3	Skin

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
128-37-0	2,6-Di-tert-butyl-p-cresol (butylated hydroxytoluene or BHT) (inhalable fraction⁺⁺ and vapour)	2 mg/m³	4 mg/m³	
330-54-1	Diuron	10 mg/m³	20 mg/m³	
1321-74-0	Divinyl benzene	10 ppm	15 ppm	
112-55-0	Dodecyl mercaptan	0.1 ppm	0.3 ppm	SEN
1302-74-5	Emery	10 mg/m³	20 mg/m³	
115-29-7	Endosulphan	0.1 mg/m³	0.3 mg/m³	Skin
72-20-8	Endrin	0.1 mg/m³	0.3 mg/m³	Skin
13838-16-9	Enflurane	75 ppm	100 ppm	
106-89-8	Epichlorohydrin	0.5 ppm	1.5 ppm	Skin, T20
2104-64-5	EPN (inhalable fraction⁺⁺)	0.1 mg/m³	0.3 mg/m³	Skin
74-84-0	Ethane	See Aliphatic hydrocarbon gases [C1-C4]		
64-17-5	Ethanol	1000 ppm	1250 ppm	
141-43-5	Ethanolamine	3 ppm	6 ppm	
563-12-2	Ethion, (inhalable fraction⁺⁺ and vapour)	0.05 mg/m³	0.15 mg/m³	Skin
110-80-5	2-Ethoxyethanol (Glycol monoethyl ether)	5 ppm	7 ppm	Skin
111-15-9	2-Ethyoxyethyl acetate (Cellosolve acetate)	5 ppm	8 ppm	Skin
141-78-6	Ethyl acetate	400 ppm	500 ppm	
140-88-5	Ethyl acrylate	5 ppm	15 ppm	T20
75-04-7	Ethylamine	5 ppm	15 ppm	Skin
541-85-5	Ethyl amyl ketone (5-Methyl-3-heptanone)	25 ppm	30 ppm	
100-41-4	Ethyl benzene	100 ppm	125 ppm	T20
74-96-4	Ethyl bromide	5 ppm	7 ppm	Skin
637-92-3	Ethyl tert-butyl ether	5 ppm	10 ppm	
106-35-4	Ethyl butyl ketone (3-Heptanone)	50 ppm	75 ppm	
75-00-3	Ethyl chloride	100 ppm	125 ppm	Skin
7085-85-0	Ethyl cyanoacrylate	0.2 ppm	0.6 ppm	
74-85-1	Ethylene	200 ppm	250 ppm	
107-15-3	Ethylenediamine	10 ppm	15 ppm	Skin
107-06-2	Ethylene dichloride	10 ppm	20 ppm	
107-21-1	Ethylene glycol, (as an aerosol)	**C 100 mg/m³		
628-96-6	Ethylene glycol dinitrate (EGDN)	0.05 ppm	0.15 ppm	Skin

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
75-21-8	Ethylene oxide	1 ppm	2 ppm	T20
151-56-4	Ethylenimine	0.5 ppm	1.5 ppm	Skin, T20
60-29-7	Ethyl ether	400 ppm	500 ppm	
109-94-4	Ethyl formate	100 ppm	150 ppm	
149-57-5	2-Ethylhexanoic acid, (inhalable fraction⁺⁺ and vapour)	5 mg/m³	10 mg/m³	
16219-75-3	Ethylidene norbornene	**C5 ppm		
75-08-1	Ethyl mercaptan	0.5 ppm	1.5 ppm	
100-74-3	N-Ethylmorpholine	5 ppm	8 ppm	Skin
78-10-4	Ethyl silicate	10 ppm	15 ppm	
22224-92-6	Fenamiphos	0.1 mg/m³	0.3 mg/m³	Skin
115-90-2	Fensulphothion (inhalable fraction⁺⁺ and vapour)	0.01 mg/m³	0.03 mg/m³	Skin
55-38-9	Fenthion	0.2 mg/m³	0.6 mg/m³	Skin
14484-64-1	Ferbam	10 mg/m³	20 mg/m³	
12604-58-9	Ferrovanadium dust	1 mg/m³	3 mg/m³	
	Flour dust	3 mg/m³	6 mg/m³	SEN
————	Fluoride, (as F)	2.5 mg/m³	5 mg/m³	
7782-41-4	Fluorine	1 ppm	2 ppm	
944-22-9	Fonofos	0.1 mg/m³	0.3 mg/m³	Skin
50-00-0	Formaldehyde	**C0.3 ppm		SEN, T20
75-12-7	Formamide	10 ppm	15 ppm	Skin
64-18-6	Formic acid	5 ppm	10 ppm	
98-01-1	Furfural	2 ppm	4 ppm	Skin
98-00-0	Furfuryl alcohol	10 ppm	15 ppm	Skin
1303-00-0	Gallium arsenide (respirable fraction⁺⁺)	0.0003 mg/m³	0.0009 mg/m³	
86290-81-5	Gasoline	300 ppm	500 ppm	
7782-65-2	Germanium tetrahydride	0.2 ppm	0.6 ppm	
111-30-8	Glutaraldehyde, activated and inactivated	**C0.05 ppm		SEN
56-81-5	Glycerin mist	10 mg/m³	20 mg/m³	
556-52-5	Glycidol	2 ppm	4 ppm	
107-22-2	Glyoxal, (inhalable fraction⁺⁺ and vapour)	0.1 mg/m³	0.3 mg/m³	SEN
————	Grain dust (oat, wheat, barley)	4 mg/m³	8 mg/m³	
7782-42-5	Graphite, natural-all forms except graphite fibres (respirable fraction⁺⁺)	2 mg/m³	4 mg/m³	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
7778-18-9	Gypsum (Calcium sulphate)	10 mg/m³	20 mg/m³	
7440-58-6	Hafnium and compounds, (as Hf)	0.5 mg/m³	1.5 mg/m³	
151-67-7	Halothane	50 ppm	60 ppm	
76-44-8; 1024-57-3	Heptachlor and Heptchlor epoxide	0.05 mg/m³	0.15 mg/m³	Skin, T20
142-82-5	Heptane (n-Heptane)	400 ppm	500 ppm	
118-74-1	Hexachlorobenzene	0.002 mg/m³	0.006 mg/m³	Skin, T20
87-68-3	Hexachlorobutadiene	0.02 ppm	0.06 ppm	Skin, T20
77-47-4	Hexachlorocyclo-pentadiene	0.01 ppm	0.03 ppm	
67-72-1	Hexachloroethane	1 ppm	2 ppm	Skin, T20
1335-87-1	Hexachloronaphthalene	0.2 mg/m³	0.6 mg/m³	Skin
684-16-2	Hexafluoroacetone	0.1 ppm	0.3 ppm	Skin
85-42-7; 13149-00-3; 14166-21-3	Hexahydrophthalic anhydride, (inhalable fraction⁺⁺ and vapour), all isomers	**C0.005 mg/m³		SEN
822-06-0	Hexamethylene diisocyanate	0.005 ppm	0.015 ppm	
110-54-3	Hexane (n-Hexane)	50 ppm	62.5 ppm	Skin
————	Hexane (other isomers)	500 ppm	1000 ppm	
124-09-4	Hexanediamine	0.5 ppm	1.0 ppm	
592-41-6	1-Hexene	50 ppm	75 ppm	
108-84-9	sec-Hexyl acetate	50 ppm	60 ppm	
107-41-5	Hexylene glycol	**C25 ppm		
302-01-2	Hydrazine	0.01 ppm	0.03 ppm	Skin, T20
61788-32-7	Hydrogenated terphenyls (nonirradiated)	0.5 ppm	1.5 ppm	
10035-10-6	Hydrogen bromide	**C2 ppm		
7647-01-0	Hydrogen chloride	**C2 ppm		
	Hydrogen cyanide and cyanide salts, (as CN):			
74-90-8	Hydrogen cyanide	**C4.7 ppm		Skin
592-01-8; 151-50-8; 143-33-9	Cyanide salts	**C 5 mg/m³		Skin
7664-39-3	Hydrogen fluoride, (as F)	0.5 ppm	**C 2 ppm	
7722-84-1	Hydrogen peroxide	1 ppm	2 ppm	
7783-07-5	Hydrogen selenide, (as Se)	0.05 ppm	0.15 ppm	
7783-06-4	Hydrogen sulphide	10 ppm	15 ppm	

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123-31-9	Hydroquinone	2 mg/m³	4 mg/m³	
999-61-1	2-Hydroxypropyl acrylate	0.5 ppm	1 ppm	Skin, SEN
95-13-6	Indene	10 ppm	15 ppm	
7440-74-6	Indium and Compounds, (as In)	0.1 mg/m³	0.3 mg/m³	T20 (Indium phosphide)
7553-56-2	Iodine	**C0.1 ppm		
75-47-8	Iodoform	0.6 ppm	1.2 ppm	
1309-37-1	Iron oxide fume, (dust and fume) (Fe_2O_3, as Fe)	5 mg/m³	10 mg/m³	
13463-40-6	Iron pentacarbonyl, (as Fe)	0.1 ppm	0.2 ppm	
————	Iron salts, soluble, (as Fe)	1 mg/m³	3 mg/m³	
123-51-3	Isoamyl alcohol	100 ppm	125 ppm	
110-19-0	Isobutyl acetate	150 ppm	188 ppm	
78-83-1	Isobutyl alcohol	50 ppm	60 ppm	
542-56-3	Isobutyl nitrite, (inhalable fraction⁺⁺ and vapour)	**C1 ppm		
26952-21-6	Isooctyl alcohol	50 ppm	60 ppm	Skin
78-59-1	Isophorone	**C5 ppm		
4098-71-9	Isophorone diisocyanate	0.005 ppm	0.015 ppm	
109-59-1	2-Isopropoxyethanol	25 ppm	38 ppm	Skin
108-21-4	Isopropyl acetate	100 ppm	200 ppm	
67-63-0	Isopropyl alcohol	200 ppm	400 ppm	
75-31-0	Isopropylamine	5 ppm	10 ppm	
768-52-5	N-Isopropylaniline	2 ppm	4 ppm	Skin
108-20-3	Isopropyl ether	250 ppm	310 ppm	
4016-14-2	Isopropyl glycidyl ether (IGE)	50 ppm	75 ppm	
1332-58-7	Kaolin (respirable fraction⁺⁺)	2 mg/m³	4 mg/m³	
8008-20-6; 64742-81-0	Kerosene /Jet fuels, as total hydrocarbon vapour	200 mg/m³	250 mg/m³	Skin
463-51-4	Ketene	0.5 ppm	1.5 ppm	
7439-92-1	Lead and inorganic compounds, (as Pb)	0.05 mg/m³	0.15 mg/m³	T20
3687-31-8	Lead arsenate, (as $Pb_3(AsO_4)_2$)	0.15 mg/m³	0.45 mg/m³	
7758-97-6	Lead chromate, (as Pb)	0.05 mg/m³	0.15 mg/m³	T20
7758-97-6	Lead chromate, (as Cr)	0.012 mg/m³	0.036 mg/m³	T20
1317-65-3; 471-34-1	Limestone (calcium carbonate)	10 mg/m³	20 mg/m³	
58-89-9	Lindane	0.5 mg/m³	1.5 mg/m³	Skin

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7580-67-8	Lithium hydride	0.025 mg/m³	0.075 mg/m³	
68476-85-7	L.P.G. (liquified petroleum gas)	See Aliphatic hydrocarbon gases [C1-C4]		
546-93-0	Magnesite	10 mg/m³	20 mg/m³	
1309-48-4	Magnesium oxide (inhalable fraction⁺⁺)	10 mg/m³	20 mg/m³	
121-75-5	Malathion, (inhalable fraction⁺⁺ and vapour)	1 mg/m³	3 mg/m³	Skin
108-31-6	Maleic anhydride	0.1 ppm	0.3 ppm	SEN
7439-96-5	Manganese and inorganic compounds, (as Mn)	0.2 mg/m³	0.6 mg/m³	
12079-65-1	Manganese cyclopentadienyl tricarbonyl, (as Mn)	0.1 mg/m³	0.3 mg/m³	Skin
7439-97-6	Mercury, (as Hg):			
	Alkyl compounds	0.01 mg/m³	0.03 mg/m³	Skin
	Aryl compounds	0.1 mg/m³	0.3 mg/m³	Skin
	Inorganic forms, including metallic mercury	0.025 mg/m³	0.075 mg/m³	Skin
141-79-7	Mesityl oxide	15 ppm	25 ppm	
79-41-4	Methacrylic acid	20 ppm	30 ppm	
74-82-8	Methane	See Aliphatic hydrocarbon gases [C1-C4]		
16752-77-5	Methomyl	2.5 mg/m³	5 mg/m³	
72-43-5	Methoxychlor	10 mg/m³	20 mg/m³	
109-86-4	2-Methoxyethanol (Methylcellosolve-EGME)	5 ppm	8 ppm	Skin
110-49-6	2-Methoxyethyl acetate (Methyl cellosolve acetate-EGMEA)	5 ppm	8 ppm	Skin
150-76-5	4-Methoxyphenol	5 mg/m³	10 mg/m³	
79-20-9	Methyl acetate	200 ppm	250 ppm	
74-99-7	Methyl acetylene	1000 ppm	1250 ppm	
59355-75-8	Methyl acetylene-propadiene mixture (MAPP)	1000 ppm	1250 ppm	
96-33-3	Methyl acrylate	2 ppm	4 ppm	Skin, SEN
126-98-7	Methylacrylonitrile	1 ppm	2 ppm	Skin
109-87-5	Methylal (dimethoxy methane)	1000 ppm	1250 ppm	
67-56-1	Methyl alcohol (methanol)	200 ppm	250 ppm	Skin
74-89-5	Methylamine	5 ppm	15 ppm	

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110-43-0	Methyl n-amyl ketone (2-Heptanone)	50 ppm	60 ppm	
100-61-8	N-Methylaniline	0.5 ppm	1 ppm	Skin
74-83-9	Methyl bromide	1 ppm	3 ppm	Skin
1634-04-4	Methyl tert-butyl ether (MTBE)	50 ppm	75 ppm	
591-78-6	Methyl n-butyl ketone	5 ppm	10 ppm	Skin
74-87-3	Methyl chloride	50 ppm	100 ppm	Skin
137-05-3	Methyl 2-cyanoacrylate	0.2 ppm	0.6 ppm	
108-87-2	Methylcyclohexane	400 ppm	500 ppm	
25639-42-3	Methylcyclohexanol	50 ppm	60 ppm	
583-60-8	o-Methylcyclohexanone	50 ppm	75 ppm	Skin
12108-13-3	2-Methylcyclopentadienyl manganese tricarbonyl, (as Mn)	0.2 mg/m^3	0.6 mg/m^3	Skin
8022-00-2	Methyl demeton	0.5 mg/m^3	1.5 mg/m^3	Skin
101-68-8	Methylene bisphenyl isocyanate (MDI)	0.005 ppm	0.015 ppm	
101-14-4	4,4'-Methylene bis (2-chloroaniline) (MBOCA, MOCA)	0.01 ppm	0.03 ppm	Skin, T20
5124-30-1	Methylene bis (4-cyclohexylisocyanate)	0.005 ppm	0.015 ppm	
75-09-2	Methylene choride (dichloromethane)	50 ppm	63 ppm	
101-77-9	4,4'-Methylene dianiline	0.1 ppm	0.3 ppm	Skin, T20
78-93-3	Methyl ethyl ketone (MEK)	200 ppm	300 ppm	
1338-23-4	Methyl ethyl ketone peroxide	**C0.2 ppm		
107-31-3	Methyl formate	100 ppm	150 ppm	
60-34-4	Methyl hydrazine	0.01 ppm	0.03 ppm	Skin, T20
74-88-4	Methyl iodide	2 ppm	4 ppm	Skin, T20
110-12-3	Methyl isoamyl ketone	50 ppm	60 ppm	
108-11-2	Methyl isobutyl carbinol	25 ppm	40 ppm	Skin
108-10-1	Methyl isobutyl ketone	50 ppm	75 ppm	
624-83-9	Methyl isocyanate	0.02 ppm	0.06 ppm	Skin
563-80-4	Methyl isopropyl ketone	200 ppm	250 ppm	
74-93-1	Methyl mercaptan	0.5 ppm	1.5 ppm	
80-62-6	Methyl methacrylate	50 ppm	100 ppm	SEN
298-00-0	Methyl parathion	0.2 mg/m^3	0.6 mg/m^3	Skin
107-87-9	Methyl propyl ketone	200 ppm	250 ppm	

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681-84-5	Methyl silicate	1 ppm	2 ppm	
98-83-9	alpha-Methyl styrene	50 ppm	100 ppm	
78-94-4	Methyl vinyl ketone	**C0.2 ppm		Skin, SEN
21087-64-9	Metribuzin	5 mg/m^3	10 mg/m^3	
7786-34-7	Mevinphos (inhalable fraction^{++} and vapour)	0.01mg/m^3	0.03 mg/m3	Skin
12001-26-2	Mica (respirable fraction^{++})	3 mg/m^3	6 mg/m^3	
7439-98-7	Molybdenum, (as Mo):			
	Soluble compounds, (respirable fraction^{++})	0.5 mg/m^3	1.5 mg/m^3	
	Metal and insoluble compounds, (inhalable fraction^{++})	10 mg/m^3	20 mg/m^3	
	Metal and insoluble compounds, (respirable fraction^{++})	3 mg/m^3	6 mg/m^3	
6923-22-4	Monocrotophos (inhalable fraction^{++} and vapour)	0.05 mg/m^3	0.15 mg/m^3	Skin
110-91-8	Morpholine	20 ppm	30 ppm	Skin
300-76-5	Naled, (inhalable fraction^{++} and vapour)	0.1 mg/m^3	0.3 mg/m^3	Skin, SEN
91-20-3	Naphthalene	10 ppm	15 ppm	Skin
8006-14-2	Natural gas	See Aliphatic hydrocarbon gases: Alkane [C1-C4]		
9006-04-6	Natural rubber latex (as total proteins), (inhalable fraction^{++})	0.001 mg/m^3	0.003 mg/m^3	Skin, SEN
7440-02-0	Nickel, (as Ni):			
	Elemental (inhalable fraction^{++})	1.5 mg/m^3	3 mg/m^3	T20
	Soluble inorganic compounds, (not otherwise specified) (inhalable fraction^{++})	0.1 mg/m^3	0.3 mg/m^3	
	Insoluble inorganic, (as not otherwise specified) (inhalable fraction^{++})	0.2 mg/m^3	0.6 mg/m^3	
12035-72-2	Nickel subsulphide, (as Ni), (inhalable fraction^{++})	0.1 mg/m^3	0.3 mg/m^3	T20
13463-39-3	Nickel carbonyl, (as Ni)	0.05 ppm	0.15 ppm	
54-11-5	Nicotine	0.5 mg/m^3	1.5 mg/m^3	Skin
1929-82-4	Nitrapyrin	10 mg/m^3	20 mg/m^3	
7697-37-2	Nitric acid	2 ppm	4 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
10102-43-9	Nitric oxide	25 ppm	38 ppm	
100-01-6	p-Nitroaniline	3 mg/m^3	6 mg/m^3	Skin
98-95-3	Nitrobenzene	1 ppm	2 ppm	Skin
100-00-5	p-Nitrochlorobenzene	0.1 ppm	0.3 ppm	Skin
79-24-3	Nitroethane	100 ppm	125 ppm	
10102-44-0	Nitrogen dioxide	3 ppm	5 ppm	
7783-54-2	Nitrogen trifluoride	10 ppm	20 ppm	
55-63-0	Nitroglycerin (NG)	0.05 ppm	0.15 ppm	Skin
75-52-5	Nitromethane	20 ppm	30 ppm	
108-03-2	1-Nitropropane	25 ppm	40 ppm	
79-46-9	2-Nitropropane	10 ppm	20 ppm	T20
88-72-2; 99-08-1; 99-99-0	Nitrotoluene isomers	2 ppm	3 ppm	Skin
10024-97-2	Nitrous oxide	50 ppm	75 ppm	
111-84-2	Nonane, all isomers	200 ppm	250 ppm	
2234-13-1	Octachloronaphthalene	0.1 mg/m^3	0.3 mg/m^3	Skin
111-65-9	Octane, all isomers	300 ppm	375 ppm	
8012-95-1	Oil mist, mineral	5 mg/m^3	10 mg/m^3	
20816-12-0	Osmium tetroxide, (as Os)	0.0002 ppm	0.0006 ppm	
144-62-7	Oxalic acid	1 mg/m^3	2 mg/m^3	
80-51-3	p,p'-Oxybis (benzenesulphonyl hydrazide), (inhalable fraction++)	0.1 mg/m^3	0.3 mg/m^3	
7783-41-7	Oxygen difluoride	**C0.05 ppm		
10028-15-6	Ozone	0.05 ppm	0.15 ppm	
8002-74-2	Paraffin wax fume	2 mg/m^3	4 mg/m^3	
4685-14-7	Paraquat, total dust	0.5 mg/m^3	1.5 mg/m^3	
	Paraquat, (respirable fraction++)	0.1 mg/m^3	0.3 mg/m^3	
56-38-2	Parathion, (inhalable fraction++ and vapour)	0.05 mg/m^3	0.15 mg/m^3	Skin
	Particulate polycyclic aromatic hydrocarbons (PPAH), as benzene solubles, See Coal tar pitch volatiles	0.2 mg/m^3	0.6 mg/m^3	T20
	Particles (Insoluble or Poorly Soluble) Not Otherwise Specified:			
	Inhalable fraction++	10 mg/m^3	20 mg/m^3	
	Respirable fraction++	3 mg/m^3	6 mg/m^3	
19624-22-7	Pentaborane	0.005 ppm	0.015 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
1321-64-8	Pentachloronaphthalene	0.5 mg/m³	1.5 mg/m³	Skin
82-68-8	Pentachloronitrobenzene	0.5 mg/m³	1.5 mg/m³	
87-86-5	Pentachlorophenol	0.5 mg/m³	1.5 mg/m³	Skin
115-77-5	Pentaerythritol	10 mg/m³	20 mg/m³	
78-78-4; 109-66-0; 463-82-1	Pentane, all isomers	600 ppm	750 ppm	
628-63-7; 626-38-0; 123-92-2; 625-16-1; 624-41-9; 620-11-1	Pentyl acetate, all isomers	50 ppm	100 ppm	
594-42-3	Perchloromethyl mercaptan	0.1 ppm	0.3 ppm	
7616-94-6	Perchloryl fluoride	3 ppm	6 ppm	
19430-93-4	Perfluorobutyl ethylene	100 ppm	150 ppm	
382-21-8	Perfluoroisobutylene	**C0.01 ppm		
93763-70-3	Perlite	10 mg/m³	20 mg/m³	
_____	Persulphates, as persulphate	0.1 mg/m³	0.3 mg/m³	
108-95-2	Phenol	5 ppm	7.5 ppm	Skin
92-84-2	Phenothiazine	5 mg/m³	10 mg/m³	Skin
95-54-5; 108-45-2; 106-50-3	Phenylene diamine isomers	0.1 mg/m³	0.3 mg/m³	
101-84-8	Phenyl ether (vapour)	1 ppm	2 ppm	
122-60-1	Phenyl glycidyl ether (PGE)	0.1 ppm	0.3 ppm	Skin, SEN, T20
100-63-0	Phenyl hydrazine	0.1 ppm	0.3 ppm	Skin, T20
108-98-5	Phenyl mercaptan	0.1 ppm	0.3 ppm	Skin
638-21-1	Phenylphosphine	**C0.05 ppm		
298-02-2	Phorate (inhalable fraction++ and vapour)	0.05 mg/m³	0.2 mg/m³	Skin
75-44-5	Phosgene (Carbonyl chloride)	0.1 ppm	0.3 ppm	
7803-51-2	Phosphine	0.3 ppm	1 ppm	
7664-38-2	Phosphoric acid	1 mg/m³	3 mg/m³	
12185-10-3	Phosphorus (yellow)	0.1 mg/m³	0.3 mg/m³	
10025-87-3	Phosphorous oxychloride	0.1 ppm	0.3 ppm	
10026-13-8	Phosphorous pentachloride	0.1 ppm	0.3 ppm	

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1314-80-3	Phosphorous pentasulphide	1 mg/m³	3 mg/m³	
7719-12-2	Phosphorous trichloride	0.2 ppm	0.5 ppm	
85-44-9	Phthalic anhydride	1 ppm	2 ppm	SEN
626-17-5	m-Phthalodinitrile	5 mg/m³	10 mg/m³	
1918-02-1	Picloram	10 mg/m³	20 mg/m³	
88-89-1	Picric acid	0.1 mg/m³	0.3 mg/m³	
83-26-1	Pindone	0.1 mg/m³	0.3 mg/m³	
142-64-3	Piperazine dihydrochloride	5 mg/m³	10 mg/m³	
7778-18-9	Plaster of Paris (Calcium sulphate)	10 mg/m³	20 mg/m³	
7440-06-4	Platinum:			
	metal	1 mg/m³	3 mg/m³	
	soluble salt, (as Pt)	0.002 mg/m³	0.006 mg/m³	
65997-15-1	Portland cement	10 mg/m³	20 mg/m³	
1310-58-3	Potassium hydroxide	**C2 mg/m³		
74-98-6	Propane	See Aliphatic hydrocarbon gases [C1-C4]		
107-19-7	Propargyl alcohol	1 ppm	3 ppm	Skin
57-57-8	beta-Propriolactone	0.5 ppm	1 ppm	T20
123-38-6	Propionaldehyde	20 ppm	30 ppm	
79-09-4	Propionic acid	10 ppm	15 ppm	
114-26-1	Propoxur	0.5 mg/m³	1.5 mg/m³	
109-60-4	n-Propyl acetate	200 ppm	250 ppm	
71-23-8	Propyl alcohol (n-propanol)	200 ppm	400 ppm	
78-87-5	Propylene dichloride	75 ppm	110 ppm	
6423-43-4	Propylene glycol dinitrate	0.05 ppm	0.15 ppm	Skin
107-98-2	Propylene glycol monomethyl ether (PGME or 1-methoxy-2-propanol)	100 ppm	150 ppm	
75-56-9	Propylene oxide	2 ppm	4 ppm	SEN, T20
75-55-8	Propylenimine	2 ppm	4 ppm	Skin, T20
627-13-4	n-Propyl nitrate	25 ppm	40 ppm	
8003-34-7	Pyrethrum	5 mg/m³	10 mg/m³	
110-86-1	Pyridine	1 ppm	3 ppm	
106-51-4	Quinone	0.1 ppm	0.3 ppm	
108-46-3	Resorcinol	10 ppm	20 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
7440-16-6	Rhodium, (as Rh):			
	Metal and insoluble compounds	1 mg/m³	3 mg/m³	
	Soluble compounds	0.01 mg/m³	0.03 mg/m³	
299-84-3	Ronnel	10 mg/m³	20 mg/m³	
83-79-4	Rotenone (commercial)	5 mg/m³	10 mg/m³	
————	Rouge	10 mg/m³	20 mg/m³	
8030-30-6	Rubber solvent (Naphtha)	400 ppm	500 ppm	
7782-49-2	Selenium and compounds, (as Se)	0.2 mg/m³	0.6 mg/m³	
7783-79-1	Selenium hexafluoride, (as Se)	0.05 ppm	0.15 ppm	
136-78-7	Sesone	10 mg/m³	20 mg/m³	
	Silica Amorphous:			
61790-53-2	Diatomaceous earth (uncalcined) (inhalable fraction ++)	10 mg/m³	20 mg/m³	
61790-53-2	Diatomaceous earth (uncalcined) (respirable fraction ++)	3 mg/m³	6 mg/m³	
112926-00-8	Precipitated silica and silica gel	10 mg/m³	20 mg/m³	
69012-46-2	Silica, fume (respirable fraction++)	2 mg/m³		
60676-86-0	Silica, fused (respirable fraction++)	0.1 mg/m³		
	Silica – Crystalline#:			
14464-46-1	Cristobalite (respirable fraction++)	0.05 mg/m³		
14808-60-7	Quartz (respirable fraction++)	0.05 mg/m³		T20
1317-95-9	Tripoli, as quartz (respirable fraction++)	0.1 mg/m³		
7440-21-3	Silicon	10 mg/m³	20 mg/m³	
409-21-2	Silicon Carbide:			
	Nonfibrous, (inhalable fraction++)	10 mg/m³	20 mg/m³	
	Nonfibrous, (respirable fraction++)	3 mg/m³	6 mg/m³	
	Fibrous (including whiskers), (respirable fibres)	0.1 f/cc##		T20
7803-62-5	Silicon tetrahydride (Silane)	5 ppm	10 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m³** or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
7440-22-4	Silver, metal	0.1 mg/m³	0.3 mg/m³	
————	Silver soluble compounds, (as Ag)	0.01 mg/m³	0.03 mg/m³	
————	Soapstone (total dust)	6 mg/m³		
————	Soapstone (respirable fraction⁺⁺)	3 mg/m³	6 mg/m³	
26628-22-8	Sodium azide:			
	as Sodium azide	**C0.29 mg/m³		
	as Hydrazoic acid vapour	**C0.11 ppm		
7631-90-5	Sodium bisulphite	5 mg/m³	10 mg/m³	
62-74-8	Sodium fluoroacetate	0.05 mg/m³	0.15 mg/m³	Skin
1310-73-2	Sodium hydroxide	**C2 mg/m³		
7681-57-4	Sodium metabisulphite	5 mg/m³	10 mg/m³	
9005-25-8	Starch	10 mg/m³	20 mg/m³	
————	Stearates	10 mg/m³	20 mg/m³	
7803-52-3	Stibine (Antimony hydride)	0.1 ppm	0.3 ppm	
8052-41-3	Stoddard solvent	100 ppm	125 ppm	
7789-06-2	Strontium chromate, (as Cr)	0.0005 mg/m³	0.0015 mg/m³	T20
57-24-9	Strychnine	0.15 mg/m³	0.45 mg/m³	
100-42-5	Styrene, monomer	20 ppm	40 ppm	T20
1395-21-7; 9014-01-1	Subtilisins, (as crystalline active enzyme)	**C0.00006 mg/m³		
57-50-1	Sucrose	10 mg/m³	20 mg/m³	
74222-97-2	Sulphometuron methyl	5 mg/m³	10 mg/m³	
3689-24-5	Sulphotep (TEDP) (inhalable fraction⁺⁺ and vapour)	0.1 mg/m³	0.3 mg/m³	Skin
7446-09-5	Sulphur dioxide	2 ppm	5 ppm	
2551-62-4	Sulphur hexafluoride	1000 ppm	1250 ppm	
7664-93-9	Sulphuric acid, (thoracic fraction⁺⁺)	0.2 mg/m³	0.6 mg/m³	T20, strong acid mists only
10025-67-9	Sulphur monochloride	**C1 ppm		
5714-22-7	Sulphur pentafluoride	**C0.01 ppm		
7783-60-0	Sulphur tetrafluoride	**C0.1 ppm		
2699-79-8	Sulphuryl fluoride	5 ppm	10 ppm	
35400-43-2	Sulprofos	1 mg/m³	3 mg/m³	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
	Synthetic Vitreous Fibres:			
	Continous filament glass fibres, (respirable fibres)	1 f/cc##	3 f/cc	
	Continous filament glass fibres, (inhalable fraction++)	5 mg/m³	10 mg/m³	
	Glass wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Rock wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Slag wool fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Special purpose glass fibres, (respirable fibres)	1 f/cc	3 f/cc	
	Refractory ceramic fibres, (respirable fibres)	0.2 f/cc		T20
93-76-5	2,4,5-T	10 mg/m³	20 mg/m³	
14807-96-6	Talc, (respirable fraction++)	2 mg/m³		
7440-25-7	Tantalum metal and oxide, (as Ta)	5 mg/m³	10 mg/m³	
7783-80-4	Tellurium hexafluoride, (as Te)	0.02 ppm	0.03 ppm	
13494-80-9	Tellurium and other tellurium compounds, (as Te) excluding hydrogen telluride	0.1 mg/m³	0.3 mg/m³	
3383-96-8	Temephos, (inhalable fraction++ and vapour)	1 mg/m³	3 mg/m³	Skin
13071-79-9	Terbufos, (inhalable fraction++ and vapour)	0.01 mg/m³	0.03 mg/m³	Skin
100-21-0	Terephthalic acid	10 mg/m³	20 mg/m³	
26140-60-3	Terphenyls	**C5 mg/m³		
76-11-9	1,1,1,2-Tetrachloro-2, 2-difluoroethane	500 ppm	625 ppm	
76-12-0	1,1,2,2-Tetrachloro-1, 2-difluoroethane	500 ppm	625 ppm	
79-34-5	1,1,2,2-Tetrachloroethane	1 ppm	2 ppm	Skin
127-18-4	Tetrachloroethylene (Perchloroethylene)	25 ppm	100 ppm	T20
1335-88-2	Tetrachloronaphthalene	2 mg/m³	4 mg/m³	
78-00-2	Tetraethyl lead, (as Pb)	0.1 mg/m³	0.3 mg/m³	Skin
107-49-3	Tetraethyl pyrophosphate (TEPP)	0.05 mg/m³	0.15 mg/m³	Skin
116-14-3	Tetrafluoroethylene	2 ppm	4 ppm	T20

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
109-99-9	Tetrahydrofuran	50 ppm	100 ppm	Skin
	Tetrakis (hydroxymethyl) phosphonium salts:			
124-64-1	Tetrakis (hydroxymethyl) phosphonium chloride	2 mg/m^3	4 mg/m^3	
55566-30-8	Tetrakis (hydroxymethyl) phosphonium sulphate	2 mg/m^3	4 mg/m^3	SEN
75-74-1	Tetramethyl lead, (as Pb)	0.15 mg/m^3	0.45 mg/m^3	Skin
3333-52-6	Tetramethyl succinonitrile	0.5 ppm	1 ppm	Skin
509-14-8	Tetranitromethane	0.005 ppm	0.015 ppm	T20
7722-88-5	Tetrasodium pyrophosphate	5 mg/m^3	10 mg/m^3	
479-45-8	Tetryl (2,4,6-trinitrophenylmethyl nitramine)	1.5 mg/m^3	3 mg/m^3	
7440-28-0	Thallium and soluble compounds, (as Tl)	0.1 mg/m^3	0.3 mg/m^3	Skin
96-69-5	4,4'-Thiobis (6-tert-butyl-m-cresol)	10 mg/m^3	20 mg/m^3	
68-11-1	Thioglycolic acid	1 ppm	2 ppm	Skin
7719-09-7	Thionyl chloride	**C1 ppm		
137-26-8	Thiram	1 mg/m^3	3 mg/m^3	
7440-31-5	Tin, (as Sn):			
	metal	2 mg/m^3	4 mg/m^3	
	oxide and inorganic compounds except SnH_4	2 mg/m^3	4 mg/m^3	
	organic compounds	0.1 mg/m^3	0.2 mg/m^3	Skin
13463-67-7	Titanium dioxide	10 mg/m^3	20 mg/m^3	
108-88-3	Toluene (toluol)	50 ppm	60 ppm	Skin
584-84-9; 91-08-7	Toluene-2,4- or 2, 6-diisocyanate (TDI)	0.005 ppm	0.02 ppm	SEN
95-53-4	o-Toluidine	2 ppm	4 ppm	Skin, T20
108-44-1	m-Toluidine	2 ppm	4 ppm	Skin
106-49-0	p-Toluidine	2 ppm	4 ppm	Skin, T20
126-73-8	Tributyl phosphate	0.2 ppm	0.4 ppm	
76-03-9	Trichloroacetic acid	1 ppm	2 ppm	
120-82-1	1,2,4-Trichlorobenzene	**C5 ppm		
71-55-6	1,1,1-Trichloroethane	350 ppm	450 ppm	
79-00-5	1,1,2-Trichloroethane	10 ppm	15 ppm	Skin
79-01-6	Trichloroethylene	50 ppm	100 ppm	
75-69-4	Trichlorofluoromethane	**C1000 ppm		
1321-65-9	Trichloronaphthalene	5 mg/m^3	10 mg/m^3	Skin

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation⁺
96-18-4	1,2,3-Trichloropropane	10 ppm	15 ppm	Skin
76-13-1	1,1,2-Trichloro-1,2, 2-trifluoroethane	1000 ppm	1250 ppm	
52-68-6	Trichlorphon, (inhalable fraction⁺⁺)	1 mg/m³	3 mg/m³	
102-71-6	Triethanolamine	5 mg/m³	10 mg/m³	
121-44-8	Triethylamine	1 ppm	3 ppm	Skin
75-63-8	Trifluorobromomethane	1000 ppm	1200 ppm	
2451-62-9	1,3,5-Triglycidyl-s-triazinetrione	0.05 mg/m³	0.15 mg/m³	
552-30-7	Trimellitic anhydride	**C0.04 mg/m³		
75-50-3	Trimethylamine	5 ppm	15 ppm	
25551-13-7	Trimethyl benzene (mixed isomer)	25 ppm	30 ppm	
121-45-9	Trimethyl phosphite	2 ppm	4 ppm	
118-96-7	2,4,6-Trinitrotoluene (TNT)	0.1 mg/m³	0.3 mg/m³	Skin
78-30-8	Triorthocresyl phosphate	0.1 mg/m³	0.3 mg/m³	Skin
603-34-9	Triphenylamine	5 mg/m³	10 mg/m³	
115-86-6	Triphenyl phosphate	3 mg/m³	6 mg/m³	
7440-33-7	Tungsten, (as W):			
	metal and insoluble compounds	5 mg/m³	10 mg/m³	
	soluble compounds	1 mg/m³	3 mg/m³	
8006-64-2; 80-56-8; 127-91-3; 13466-78-9	Turpentine and selected monoterpenes	20 ppm	30 ppm	SEN
7440-61-1	Uranium (natural)			
	Soluble and insoluble compounds, (as U)	0.2 mg/m³	0.6 mg/m³	T20
110-62-3	n-Valeraldehyde	50 ppm	60 ppm	
1314-62-1	Vanadium pentoxide, as V_2O_5, dust and fume (respirable fraction⁺⁺)	0.05 mg/m³	0.15 mg/m³	
————	Vegetable oil mists	10 mg/m³	20 mg/m³	
108-05-4	Vinyl acetate	10 ppm	15 ppm	
593-60-2	Vinyl bromide	0.5 ppm	1.5 ppm	T20
100-40-3	4-Vinyl cyclohexene	0.1 ppm	0.3 ppm	T20
106-87-6	Vinyl cyclohexene dioxide	0.1 ppm	0.3 ppm	Skin, T20
75-02-5	Vinyl fluoride	1 ppm	3 ppm	T20
88-12-0	N-Vinyl-2-pyrrolidone	0.05 ppm	0.15 ppm	
75-35-4	Vinylidene chloride	5 ppm	10 ppm	

CAS Number	Substance	8 hour average contamination limit mg/m³* or ppm*	15 minute average contamination limit mg/m³* or ppm*	Notation+
75-38-7	Vinyledene fluoride	500 ppm	625 ppm	
25013-15-4	Vinyl toluene	50 ppm	100 ppm	
8032-32-4	VM and P Naphtha	300 ppm	375 ppm	
81-81-2	Warfarin	0.1 mg/m^3	0.3 mg/m^3	
————	Welding fumes	5 mg/m^3	10 mg/m^3	
	Wood dust:			
————	Softwoods	5 mg/m^3	10 mg/m^3	T20 (certain species), SEN*(certain species, see list at end of table)
————	Certain hardwoods such as beech and oak	1 mg/m^3	3 mg/m^3	T20 (certain species), SEN*(certain species, see list at end of table)
1330-20-7; 95-47-6; 108-38-3; 106-42-3	Xylene (o, —, p-isomers)	100 ppm	150 ppm	
1477-55-0	m-Xylene *alpha, alpha'*-diamine	**C0.1 mg/m^3		Skin
1300-73-8	Xylidine, mixed isomers (inhalable fraction++ and vapour)	0.5 ppm	1 ppm	T20, Skin
7440-65-5	Yttrium metal and compounds, (as Y)	1 mg/m^3	3 mg/m^3	
7646-85-7	Zinc chloride fume	1 mg/m^3	2 mg/m^3	
13530-65-9; 11103-86-9; 37300-23-5	Zinc chromates, as Cr	0.01 mg/m^3	0.03 mg/m^3	T20
1314-13-2	Zinc oxide, fume and dust (respirable fraction++)	2 mg/m^3	10 mg/m^3	
7440-67-7	Zirconium and compounds, (as Zr)	5 mg/m^3	10 mg/m^3	

Notes:

– Trydimite removed

– Fibres per cubic centimeter of air

+ – Explanation of Notations:

T20 – Substance is also in Table 17 and subject to sections 21-5 and 21-10
Skin – Potentially harmful after absorption through the skin or mucous membranes
SEN – Well-demonstrated potential to produce sensitization
SEN* – Wood species suspected of inducing sensitization (see Table D)

Table A

Inhalable fraction:

For the application of this limit, inhalable fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (µm)	Inhalable Particulate Mass (IPM) (%)
	100
1	97
2	94
5	87
10	77
20	65
30	58
40	54.5
50	52.5
100	50

Table B

Respirable fraction:

For the application of this limit, respirable fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (µm)	Respirable Particulate Mass (RPM) (%)
0	100
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Table C

Thoracic fraction:

For the application of this limit, thoracic fraction is that fraction of the aerosol that passes a size selector with the following characteristics:

Particle Aerodynamic Diameter (µm)	Thoracic Particulate Mass (TPM) (%)
0	100
2	94
4	89
6	80.5
8	67
10	50
12	35
14	23
16	15
18	9.5
20	6
25	2

Table D

Commercially Important Tree Species Suspected of Inducing Sensitization

Common	***Latin***
SOFTWOODS	
California redwood	*Sequoia sempervirens*
Eastern white cedar	*Thuja occidentalis*
Pine	*Pinus*
Western red cedar	*Thuja plicata*
HARDWOOD	
Ash	*Fraxinus americana*
Aspen/Poplar/Cottonwood	*Popilus*
Beech	*Fagus*
Oak	*Quercus*
TROPICAL WOODS	
Abirucana	*Pouteria*
African zebra	*Microberlinia*
Antiaris	*Antiaris africana Antiaris toxicara*
Cabreuva	*Myrocarpus fastigiatus*
Cedar of Lebanon	*Cedra libani*
Central American walnut	*Juglans olanchana*
Cocabolla	*Dalbergia retusa*
African ebony	*Diospryos crassiflora*
Fernam bouc	*Caesalpinia*
Honduras rosewood	*Dalbergia stevensonii*
Iroko or kambala	*Chlorophora excelsa*
Kejaat	*Pterocarpus angolensis*
Kotobe	*Nesorgordonia papaverifera*
Limba	*Terminalia superba*
Mahogany (African)	*Khaya spp.*
Makore	*Tieghemella heckelii*
Mansonia/Beté	*Mansonia altissima*
Nara	*Pterocarpus indicus*
Obeche/African maple/Samba	*Triplochiton scleroxylon*
Palisander/Brazilian rosewood/Tulip wood/Jakaranda	*Dalbergia nigra*
Pau marfim	*Balfourdendron riedelianum*
Ramin	*Gonystylus bancanus*
Soapbark dust	*Quillaja saponaria*
Spindle tree wood	*Euonymus europaeus*
Tanganyike aningre	

TABLE 19
[*Section 30-16*]

Minimum Distances from Exposed Energized High Voltage Electrical Conductors

Risk Factor		**Column 1**	**Column 2**	**Column 3**	**Column 4**	**Column 5**	**Column 6**
Voltage Phase to Phase	Voltage to Ground	Non-electrical Workers, Material, Equipment	Qualified Electrical Workers	Vehicles and Load	Limit of approach for utility tree trimmers using conducting objects exposed to energized parts	Limit of approach for utility tree trimmers using rated tools to exposed energized parts	Limit of approach for utility tree trimmers using rated insulating booms
(kV)	(kV)	(Metres)	(Metres)	(Metres)	(Metres)	(Metres)	(Metres)
230	133	6.1	1.4	1.83	2.4	1.41	1.85
138	79.8	4.6	1	1.22	1.9	0.92	1.35
72	41.6	4.6	0.6	0.8	1.6	0.61	1.05
25	14.4	3	0.3	0.6	1.2	0.12	0.55
15	8.6	3	0.3	0.6	1.1	0.12	0.55
4.16	2.4	3	0.15	0.6	1.05	0.04	0.5
0.75	0.75	3	0.15	0.6	1.05	0.04	0.05

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