

Understanding Occupational Health and Safety in Saskatchewan

2015



PLEASE NOTE

The original legislation should be consulted for all purposes of interpretation and application of the law.

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Introduction

This document provides simple explanations about the legislated requirements for occupational health and safety. It will help employers and workers better understand their rights and responsibilities for preventing injuries and illnesses in the workplace.

Occupational Health and Safety Legislation

Most workplaces in Saskatchewan are provincially regulated. The legislation that deals with occupational health and safety in these workplaces is as follows:

- *The Saskatchewan Employment Act* (the Act); and
- *The Occupational Health and Safety Regulations, 1996; The Mines Regulations, 2003; and The Radiation Health and Safety Regulations, 2005.*

The Act outlines the general, legislated safety standards and requirements for occupational health and safety in Saskatchewan, whereas the regulations give detailed provisions about how to meet the requirements of the Act.

The Act and the various regulations, noted above, make up what is commonly referred to as Saskatchewan's OHS legislation.

Employers are required to have a copy of *The Saskatchewan Employment Act* and regulations located where workers and management can reference them at all times. See some tips about how to read and use the OHS legislation in [Appendix B](#).

Who OHS Legislation Covers

Certain workplaces in Saskatchewan are regulated federally by *The Canada Labour Code*.

Federally regulated businesses and industries are as follows:

- banks;
- marine shipping, ferry and port services;
- air transportation, including airports, aerodromes and airlines;
- railway and road transportation that involves crossing provincial or international borders;
- canals, pipelines, tunnels and bridges (crossing provincial borders);
- telephone, telegraph and cable systems;
- radio and television broadcasting;

- grain elevators, feed and seed mills;
- uranium mining and processing;
- businesses dealing with the protection of fisheries and natural resources;
- many First Nation activities;
- most federal Crown corporations; and
- private businesses necessary to the operation of the federal act.

Working Age and Age Restrictions

Occupational Health and Safety

See *The Occupational Health and Safety Regulations, 1996*, subsections 14(1) & (2).

To prevent youth from working in occupations with high rates of injury or hazards, *The Occupational Health and Safety Regulations, 1996* lists workplaces where no persons under the ages of 16 or 18 years can be employed or permitted to work.

Workers under 16 cannot work:

- on a construction site;
- at a pulp mill, sawmill or woodworking establishment;
- at a smelter, foundry, refinery or metal processing or fabricating operation;
- in a meat, fish or poultry processing plant;
- in a confined space (such as a manhole);
- in a forestry or logging operation;
- on a drilling service rig;
- as an operator of powered mobile equipment (e.g., a forklift, crane or hoist);
- where exposure to chemical or biological substances could endanger their health and safety; and
- in power line construction or maintenance.

Inexperienced young workers are more likely to get hurt on the job and have more problems being paid properly than others. The [*Young Worker Readiness Certificate Course*](#) teaches youth the basics about workplace health and safety and the rules for fair pay and working conditions. It contains important information they need to know before entering the job market.

Workers under 18 cannot work:

- underground or in an open pit at a mine;
- as a radiation worker;
- in an asbestos process;
- in a silica process; and
- in any activity that requires the use of an atmosphere supplying respirator.

Health and Safety Rights

See Act, Part III, Divisions 3, 4 & 5.

OHS legislation is designed to protect workers from being injured on the job or suffering illness from unhealthy work environments.

Workers have three basic health and safety rights. They are:

- the **right to know** the hazards at work and how to control them;
- the **right to participate** in identifying, assessing, eliminating and controlling workplace hazards; and
- the **right to refuse** work they believe is unusually dangerous to themselves or others.

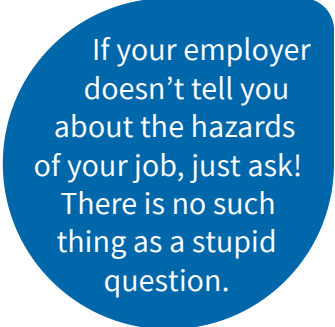
An unusual danger could be:

- a danger that is not normal for the job;
- a danger that would normally stop work; and
- a situation that a worker isn't trained, equipped or experienced to deal with properly and safely.

Right to Know

Workers have the right to know about the hazards of their job and how to control and handle them safely. A hazard is any activity, situation or substance that could harm a worker. Workers should ask about the hazards at their workplace. For example, the employer of a server in a restaurant must explain to this server how to:

- handle compressed gas cylinders used with soft drink dispensers;
- use and clean various tools associated with food services; and
- prevent repetitive strain and back injuries.



If your employer doesn't tell you about the hazards of your job, just ask! There is no such thing as a stupid question.

Right to Participate

Workers have the right to participate in health and safety at work. Workers can:

- help identify and correct hazards;
- serve on an occupational health committee (OHC); and/or
- serve as a worker health and safety representative.

When a worker has a health and safety concern (or has discovered a hazard they don't have the authority to correct), they should speak to their supervisor. If the worker can't resolve the issue with the help of their supervisor, the worker can re-direct the problem to the workplace's OHC or representative.

If a concern is not addressed through these methods, an employee can contact the OHS Division directly by calling 1-800-567-7233.


Right to Refuse

See Act, section 3-31.

A worker has the right to refuse to do any specific job or task which they have reasonable grounds to believe is unusually dangerous to themselves or to other workers.

Note: Workers can't refuse as a group. The right to refuse is an individual workers' right.

Under the Act, workers who use their right to refuse are legally protected. That is, an employer can't fire or discipline a worker who refuses to do unusually dangerous work.



Knowing
and exercising
your right to
refuse unusually
dangerous work
could save your
life!

Steps to Refuse Unusually Dangerous Work

A worker should never do work that they aren't trained, equipped or experienced to do.

Workers should follow these steps to refuse work they believe is unusually dangerous.

1. Tell your employer/supervisor that you are refusing the specific job or task because of a health or safety concern.
2. Your employer/supervisor can re-assign you to a different job or task until the work refusal is resolved. Don't leave the worksite without your employer's permission.
3. If you can't resolve your concern with the employer/supervisor, contact your OHC or representative
4. If the concern can't be resolved within your workplace, contact an Occupational Health and Safety Officer at the OHS Division at 1-800-567-7233. When you call, ask for the Duty Officer. The Duty Officer is an Occupational Health and Safety Officer who is assigned to answer the public's questions about the OHS legislation via telephone or e-mail.

Health and Safety Responsibilities

See Act, sections 3-8 to 3-15.

In the workplace, health and safety is a shared responsibility. All workplace parties are responsible for ensuring healthy and safe working conditions to the extent of their authority, knowledge and ability.

In OHS legislation, there are:

- duties of employers;
- duties of workers;
- duties of supervisors;
- duties of self-employed persons;
- duties of contractors;
- duties of prime contractors at certain multi-employer worksites;
- duties of owners; and
- duties of suppliers.

Duties of Employers

Employers have the most care and control in the workplace, and therefore have the most responsibility for health and safety.

An employer is a person/business who operates a place of employment and employs the service of one or more workers.

An employer's health and safety duties include:

- understanding and following health and safety requirements in the OHS legislation;
- ensuring the health, safety and welfare of workers;
- making sure that managers and supervisors are trained, supported and held accountable for fulfilling their workplace health and safety responsibilities;
- ensuring workers have the information, training, certification, supervision and experience to do their jobs safely;
- providing medical/first aid facilities as needed; and
- ensuring workers are not exposed to harassment in the workplace.



Employers are required to meet the minimum health and safety requirements described in the OHS legislation.

Duties of Workers

While at work, workers have a responsibility to work and act safely.

A worker is an individual, or supervisor, who is engaged in the service of an employer.

A worker's health and safety duties include:

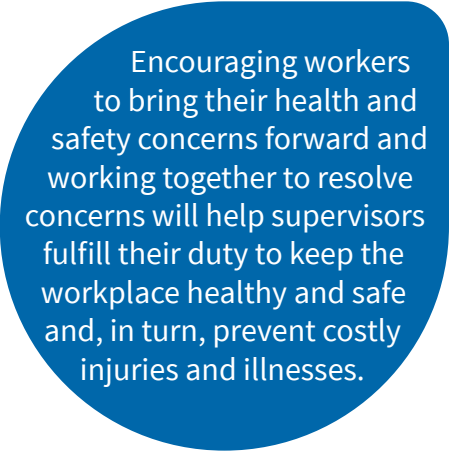
- understanding and following health and safety requirements outlined in the OHS legislation;
- using safety equipment, machine guards, safety devices and personal protective equipment;
- cooperating with anyone exercising a duty imposed by occupational health and safety legislation; and
- not causing or participating in the harassment of others in the workplace.

Duties of Supervisors

Supervisors are the individuals who have the authority to oversee the work of others at a place of employment.

A supervisor's health and safety duties include:

- ensuring the health and safety of workers who work under the supervisor's direct supervision and direction;
- co-operating with anyone exercising a duty imposed by occupational health and safety legislation;
- understanding and following health and safety requirements in the occupational health and safety legislation; and
- ensuring that workers under their direct supervision are not harassed.



Encouraging workers to bring their health and safety concerns forward and working together to resolve concerns will help supervisors fulfill their duty to keep the workplace healthy and safe and, in turn, prevent costly injuries and illnesses.

Duties of Self-Employed Persons

A self-employed person is anyone engaged in an occupation, but works for him/herself and does not employ others.

A self-employed person's health and safety duties include:

- knowing and complying with the health and safety requirements in the OHS legislation;
- co-operating with anyone exercising a duty imposed by occupational health and safety legislation; and
- conducting their work in a way that does not endanger anyone's health and safety.

Duties of Contractors

Contractors are typically those entities that direct the activities of one or more employers or self-employed persons at a place of employment.

A contractor's health and safety duties include:

- ensuring the safety of a workplace or work process where the contractor has a degree of control;
- posting any notice required by occupational health and safety legislation in a conspicuous place; and
- knowing and complying with health and safety requirements in OHS legislation.

Duties of Prime Contractors

Certain multi-employer worksites will be required to have a Prime Contractor, while others will not.

A Prime Contractor is required if:

- there are 10 or more self-employed persons or workers under the direction of two or more employers; and
- the work concerns in the following industries:
 - construction (excluding construction or renovation to residential dwellings consisting of four or less units);
 - forestry; and
 - oil and gas.

The Prime Contractor will also have prescribed activities (roles and responsibilities). The duties include, but are not limited to:

- identifying and informing employers and self-employed persons about hazards for which the Prime Contractor is responsible;
- ensuring insofar as reasonably practicable that the employers or self-employed persons at a worksite eliminate hazards identified by the Prime Contractor before activities or operations begin on the worksite and after they have commenced;
- ensuring that the employers of self-employed people at a worksite reduce or control hazards that cannot be reasonably eliminated;
- ensuring that the contact information of the prime contractor is posted in a conspicuous location at the worksite;
- ensuring that all activities at the worksite that may affect health and safety are coordinated;
- ensuring, as far as reasonably practicable, that all employers and self-employed persons have adequate and appropriate occupational health and safety policies and procedures, safe work practices and equipment and competent and informed workers;

- identifying a competent person to oversee and direct, on behalf of the Prime Contractor, the activities of employers and self-employed persons at the worksite; and
- preparing a written plan that explains how the requirements are to be met and delivering a copy of the written plan to all employers and self-employed persons before any work commences.

Duties of Owners

An owner is any person who owns or rents a plant to be used as a place of employment. Plant is a term that describes all locations where work could take place. This includes any premises, site, land, mine, water, structure, fixture, or equipment used in the carrying out of any occupation.

An owner's health and safety duties include:

- understanding and following the health and safety requirements in the OHS legislation; and
- ensuring that their plant is maintained and that it does not endanger the health and safety of anyone working in, on, or near the plant.

Duties of Suppliers

A supplier is an individual who supplies, sells, leases, distributes or installs a plant or any biological/chemical substances to be used at a place of employment.

A supplier's health and safety duties include:

- knowing and complying with the health and safety requirements in the OHS legislation;
- supplying a plant (workplaces, sites, equipment), in safe condition;
- supplying chemical and biological substances that are safe when instructions are followed correctly;
- providing written instructions about how to use equipment safely; and
- maintaining equipment in safe condition.

Occupational Health Committees & Worker Health and Safety Representatives

Occupational Health Committees (OHCs) and Worker Health and Safety Representatives (representatives) are mechanisms that help employers communicate and cooperate with workers in identifying and resolving health and safety concerns.

Committees

See Act, Part III, Division 4.

Committees are required in workplaces with 10 or more workers. Their role is to monitor the workplace, give advice and make recommendations to their employer for eliminating/controlling hazards to keep their working environment safe. They do not have a direct responsibility for correcting hazards at their workplaces.

Their health and safety duties include:

- participating in the identification and control of health and safety hazards in or at the place of employment;
- cooperating with the occupational health and safety service, if any, established for the place of employment;
- establishing, promoting and recommending the means of delivery of occupational health and safety programs for the education and information of workers;
- maintaining records with respect to the duties of the committee pursuant to the Act, section 3-27;
- investigating any matter mentioned in the Act, section 3-31 (Right to refuse dangerous work);
- receiving, considering and resolving matters respecting the health and safety of workers; and
- carrying out any other duties that are specified in the Act, Part III - Division 4 or the regulations made pursuant to this Part.

Employers are required to consult and cooperate with their committees and respond to the concerns or recommendations raised in a timely manner. When the concerns are not resolved, the employer is responsible to prepare a written response with their reasons for not resolving the concerns or accepting the recommendations.

Responding in a 'timely manner' means promptly; without serious delay.

Structure of Committees

A committee must have 2-12 members; at least half must be worker members and the rest can be employer members. Employer members cannot out-number worker members. There must be a worker and employer co-chair. The worker co-chair is selected by the committee at their first meeting. The employer appoints the employer co-chair. The co-chairs share equal power and have the right to call and chair emergency meetings.

Committees must meet once every three months. They can hold extra meetings to address concerns as needed.

Committees are governed and operated by consensus. Members discuss issues and concerns as equals and seek resolutions through agreement reached by mutual consent.

Committees must keep meeting minutes. Meeting minutes are summaries of the items discussed such as the hazards identified and the corrective actions taken or to be taken.

There must be a quorum at every committee meeting. Quorum is the minimum number of members required to be present to constitute an official OHC meeting. To ensure quorum:

- half of the committee members must be present;
- half the members present must be workers; and
- at least one employer member must be present.

The committee can select ‘alternate’ members to guarantee there is quorum at every meeting.

Within two weeks of each meeting, the employer must ensure that the meeting’s minutes are filed for future reference and available to workers and Occupational Health Officers (Officers) upon request. A copy of the minutes must also be posted in a location where all workers can easily access them (e.g., in the lunchroom).

Representatives

See Act, section 3-28.

Employers are required to designate worker health and safety representatives in high hazard workplaces with 5-9 workers at the prescribed places of employment.

For a list of the Prescribed Places of Employment, see [Appendix A: Table 7 of The Occupational Health and Safety Regulations, 1996](#).

Representatives share the same duties as committees, except they **are not** required to investigate refusals to work.

Employers and representatives must meet once every three months. Like committees, they can hold extra meeting to address and resolve health and safety concerns as needed.

The employer must keep written records of their meetings and ensure the records are available to workers and Officers upon request.

Note: As of June 1, 2014, OHCs are no longer required to submit meeting minutes to the OHS Division.

Training

Training for Workers

See The Occupational Health and Safety Regulations, 1996, section 19.

When new workers are hired, duties change or new equipment is introduced into a workplace, employers are responsible for ensuring relevant workers are properly trained.

Training involves giving information, explanation and transferring knowledge about a specific subject matter and then requiring a practical demonstration from the worker of the knowledge and skills that were learned

Employers must retain copies of workers' training certificates and keep them readily available in the event of a serious injury or fatality. During an incident, an employers' ability to produce this information is of key importance.

Training is available from a number of different sources. WorkSafe Saskatchewan provides a list of Saskatchewan Safety Associations who can either offer worker training or direct you to other credible businesses/organizations who offer training. For more information, visit www.worksafesask.ca.

Many employers who did not provide training to their workers have been prosecuted.

Training for Supervisors

See regulations, section 17.

WorkSafe Saskatchewan offers a one-day Supervision and Safety Workshop that introduces supervisors to their legal responsibilities for health and safety in the workplace. By the end of the course, supervisors will know:

- how to locate information relevant to their workplace in the OHS legislation;
- how to address health and safety issues in their workplace;
- the role of each workplace party for keeping the workplace safe; and
- their specific health and safety duties within the workplace, such as:
 - hazard identification, risk assessment and hazard control;
 - workplace inspections;
 - incident investigations;
 - refusals to work; and
 - worker training and orientation.

Note: The Workers' Compensation Board is an approved training agency for delivering Occupational Health Committee training and Supervision & Safety training courses under the WorkSafe partnership.

There is no pre-requisite for attending this workshop.

Training for OHCs and Representatives

See The Occupational Health and Safety Regulations, 1996, section 46.

Employers must ensure that committee co-chairs and representatives are trained in their functions and duties. They may take five days of educational leave each year for health and safety training. Time spent at training courses must be treated as paid work time.

WorkSafe Saskatchewan provides Level 1 and Level 2 in-class OHC training courses free of charge. Level 1 can be taken in-class only. Level 2 is also available online for a small \$10 course maintenance fee.

Course Descriptions

Level 1 OHC Training

This is an introductory course for committee members and representatives. In Level 1, participants will learn the duties of committees and representatives and how to:

- read and use the OHS legislation;
- identify workplace hazards;
- recommend actions to control workplace hazards;
- handle health and safety concerns; and
- investigate refusals to work.

Level 2 OHC Training

Course participants must complete Level 1 training prior to attending Level 2. In Level 2, they will learn how to:

- plan and conduct workplace inspections;
- identify hazards during inspections;
- recommend corrective actions to eliminate and control hazards found during inspections;
- investigate workplace incidents;
- collect and analyze evidence discovered during incident investigations; and
- recommend corrective actions to prevent the recurrence of incidents.

For more information about how to register for these courses and the training schedule, visit www.worksafesask.ca.

Programs and Policies

Occupational Health and Safety Program

See Act, section 3-20.

Certain prescribed places of employment are required to establish and maintain an occupational health and safety program.

An occupational health and safety program (OHS program) is a systematic plan to identify and control hazards and respond to emergencies. The program lays out responsibilities, resources and procedures for keeping the workers healthy and safe. Its objective is to integrate health and safety into all work practices and conditions.

The specific requirements of an OHS program are stated within section 22 of *The Occupational Health and Safety Regulations, 1996*.

To be effective, a program must:

- be in writing (other documents can be referenced in the main document);
- be workplace specific;
- have commitment from the employer and senior management;
- have input from the workers;
- assign clear responsibilities and accountabilities;
- have an evaluation mechanism; and
- be available and effectively communicated.

The OHS Division has developed a publication to assist employers with establishing an OHS program. Please see [Elements of An Occupational Health and Safety Program](#) for more information.

Violence Policy Statement and Prevention Plan

See The Occupational Health and Safety Regulations, 1996, section 37

Violence is the attempted, threatened or actual conduct of a person that causes, or is likely to cause, injury to a worker and includes any threatening statement or behavior that gives a worker reasonable cause to believe that the worker is at risk of injury.

Employers of prescribed places of employment are required to develop and implement a written violence policy statement and prevention plan to protect workers and to eliminate and minimize the risk of violence at their place of employment.

See [Appendix A: Table 7 of The Occupational Health and Safety Regulations, 1996](#) for a list of the prescribed places of employment.

Prescribed Workplaces

The prescribed workplaces that must have a violence policy statement and prevention plan include:

- a) services provided by health care facilities [see regulations, section 468];
- b) pharmaceutical-dispensing services;
- c) education services;
- d) police services;
- e) corrections services;
- f) other law enforcement services;
- g) security services;
- h) crisis counseling and intervention services;
- i) late night retail premises as defined in the regulations [see regulations, section 37.1]
- j) financial services;
- k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages;
- l) taxi services; and
- m) transit services.

Contents of Statement and Plan

By law, the violence policy statement and prevention plan must:

- a) state the employer's commitment to minimize and eliminate risk; then review and update the plan every 3 years;
- b) identify worksite(s) where violent situations have occurred or may occur;
- c) identify staff positions that have or could be exposed to violent situations;
- d) state the procedures to inform workers about the nature and risk of violence at their place of employment and any information the employer has about persons who have a history of violent behavior and who could become a risk to the workers;
- e) describe the actions an employer will take to minimize and eliminate the risk of violence including:
 - providing personal protective equipment;
 - administrative arrangements; and
 - engineering controls (e.g., surveillance cameras);
- f) state the procedure for reporting a violent incident to the employer;
- g) state the procedures the employer will follow to investigate violent incidents;
- h) recommend that workers who have been exposed to violent incidents consult a physician for treatment or obtain a referral for counseling; and
- i) commit to providing a training program for workers that includes information about:

- how to recognize violent situations;
- procedures, work practices, administrative arrangements and engineering controls that have been developed for their protection;
- how to respond to violent incidents and obtain assistance; and
- procedures for reporting violent incidents.

To prepare the violence policy statement and prevention plan, employers are required to consult and cooperate with their OHC, representative or, where there is no OHC or representative, the workers.

The violence policy statement and prevention plan must be in writing and readily available to all employees.

Harassment Policy

See The Occupational Health and Safety Regulations, 1996, section 36.

Everyone has the right to healthy and safe work environments that are free from harassment.

Harassment is any inappropriate conduct, comment, display, action or gesture by a person that poses a threat to the health and safety of another worker.

OHS legislation addresses two types of harassment:

1. harassment that is based on prohibited grounds such as race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin as referenced in *The Saskatchewan Human Rights Code*; and
2. personal harassment that negatively affects the worker's psychological or physical well-being where the harasser knows, or should know, the harassment would humiliate or intimidate the worker.

Personal harassment often involves repeated occurrences. A single incident could also be considered personal harassment if it is shown to have a lasting, harmful effect on a worker.

Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- interference with another's work or 'work sabotage';
- refusing to work or co-operate with others; or
- interference with, or vandalism of, personal property.

An employer has two principle responsibilities to prevent harassment in the workplace:

- develop and implement a written harassment policy that meets the requirements of the regulations; and

- ensure, as much as reasonably practicable, that workers are not exposed to harassment with respect to any situation arising out of the worker's employment. This may include harassment that occurs outside of regular workplace and work hours (e.g., employer sponsored social event or conference) or is perpetrated by a customer, client, or person from a contracting business.

Worker Responsibilities

All workers, including managers and supervisors, have a responsibility to ensure appropriate conduct in the workplace. Workers are required to refrain from causing or participating in the harassment of another worker, and they must co-operate with harassment investigations.

Reporting Harassment

If you believe you are being harassed as a result of your employment, you may contact the Occupational Health and Safety Division for assistance. The OHS Division provides information to workers and employers about harassment and can assist in addressing harassment through enforcement of the OHS legislation.

For information about preventing harassment and creating a harassment policy, see [The Harassment Prevention Guide](#) and the [Sample Policy](#).

Discriminatory Action

See Act, section 3-35.

Workers, occupational health committee members and worker health and safety representatives who practice their safety rights are legally protected. The act of disciplining or punishing a worker for exercising their health and safety rights is called discriminatory action.

Discriminatory action is an action or threat of action applied to a person seeking to exercise or enforce an OHS right or duty. It could be anything from a firing, verbal warning, written warning, suspension, demotion, loss of wages or termination of employment.

The Act prohibits an employer from taking discriminatory action when a worker:

- complies with the OHS legislation or a notice of contravention;
- tries to have the legislation enforced;
- tries to establish an OHC or designate a representative;
- helps, gives information to or serves on the workplace's OHC;
- refuses to do work when a worker has reasonable grounds to believe that it is unusually dangerous to themselves or others; or
- otherwise seeks to exercise or enforce a right or carry out a duty in accordance with OHS legislation.

Reporting Serious Injuries, Fatalities and Dangerous Occurrences

See The Occupational Health and Safety Regulations, 1996, section 8 & 9.

Under the regulations, employers and contractors are required to notify the OHS Division about incidents that are injuries, fatalities and dangerous occurrences at their place of employment.

Serious Injuries or Fatalities

A serious injury is bodily harm that causes or may cause the death of a worker and will require a worker to be admitted to a hospital as an in-patient for a period of 72-hours or more.

The employer/contractor must notify the OHS Division to report a serious injury or fatality.

In the notification, the employer/contractor must provide the:

- name of the injured or deceased worker;
- name of the employer of each injured worker or deceased worker;
- date, time and location of the accident;
- circumstances related to the accident;
- apparent injuries; and
- name, telephone and fax number of the employer/contractor or another person designated by the employer/contractor.

In addition to notifying OHS about the incident, a copy of the notice must be given to the OHC or representative.

Dangerous Occurrences

A dangerous occurrence is any situation that did not cause, but could have caused, an injury to a worker or a fatality, some examples include: the structural failure or collapse of a scaffold, accidental contact with an energized electrical conductor and an uncontrolled spill of a toxic substance.

If a dangerous occurrence occurs at a place of employment, the employer/contractor (regardless of whether a worker is injured) must contact the OHS Division to report the:

- name of each employer, contractor and owner at the place of employment;
- date, time and location of the dangerous occurrence;
- circumstances related to the dangerous occurrence; and
- name, telephone and fax number of the employer/contractor/owner or another person designated by the employer/contractor/owner.

In addition to notifying OHS about the incident, a copy of the notice must be given to the OHC or representative.

Safety Information Management System (SIMS)

The Safety Information Management System (SIMS) is a web-based interactive database that gives employers across Saskatchewan the ability to connect, in real-time, online with the OHS Division.

Users will be able to login to this web-based system to:

- register their company;
- enter their OHC co-chair contact information;
- view their safety records as collected by OHS;
- report dangerous occurrences; and
- submit progress reports for compliance undertakings or notice of contraventions.



Special security features have been built into SIMS to ensure the privacy and confidentiality of businesses' information.

Note: Continue to notify the Division about fatalities and serious injuries by phone.

In addition to all of these functions, SIMS gives the OHS Division the ability to communicate with employers quickly. The most current safety information and hazard alerts will be emailed when they are most relevant and useful. Previously, employers received these alerts through the mail.

To register your business and log on to SIMS, go to saskatchewan.ca/sims. Reference the [SIMS User Guide](#) for instructions about how to use the system.

Asbestos and the Asbestos Registry

Asbestos

See *The Occupational Health and Safety Regulations, 1996, Part XXIII, sections 330-345*.

Older buildings, especially those constructed before 1980, may contain asbestos. Asbestos is a naturally occurring fibrous material that was widely used as insulation and fireproofing in building products (e.g., ceiling tiles, floor tiles, pipe insulation).

It is not always obvious which structural materials contain asbestos and workers could unintentionally disturb them during repairs, maintenance, renovations and other processes.

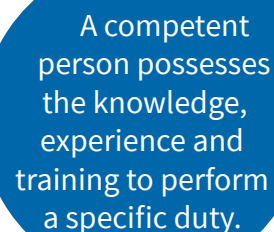
When asbestos-containing materials (ACM) are disturbed, dangerous fibres are released into the air and workers who inhale them could develop chronic, irreversible and life-threatening lung diseases. These illnesses, which appear several decades after exposure, include asbestosis (a lung scarring disease), lung cancer and mesothelioma.

Safely Handling and Removing Asbestos

As long as asbestos is well maintained and not disturbed or disintegrating, it does not present an immediate risk to workers' health.

To control exposure to asbestos in the workplace *The Occupational Health and Safety Regulations, 1996* require building owners, employers and contractors to:

1. Ensure that a competent person identifies and creates an inventory of all ACM in the building.
2. Regularly inspect and maintain all ACM identified in the inventory list and determine if any damage exists. If damage exists, building owners and employers must decide on the safest method to address the damage (e.g., abatement, encapsulation or enclosure).
3. Train all staff who are expected to work near or with ACM about safe work procedures before they begin work that could disturb asbestos.
4. Develop written control plans to prevent the release of asbestos fibres into occupied areas when maintenance, repairs, renovation or other work may disturb ACM.
5. Notify the Occupational Health and Safety Division, by completing a [Notification of High Risk Asbestos Form](#), 14 days before a high-risk asbestos process starts, subsection 7(2). Completed forms can be sent to OHSAsbestosNotification@gov.sk.ca.



A competent person possesses the knowledge, experience and training to perform a specific duty.

For a more detailed explanation of the steps to take when handling asbestos, see the [Guidelines for Managing Asbestos in Buildings](#).

Saskatchewan Asbestos Registry of Public Buildings

The Public Health Act, 1994 requires buildings owned by the Provincial Government, Crown Corporations, Treasury Board Crowns, Regional Health Authorities (or affiliates) and buildings used as schools (as defined by *The Education Act, 1995*) to assess and then submit information about the presence of asbestos-containing material (ACM) to the [Saskatchewan Asbestos Registry of Public Buildings](#).

A safety professional, consultant or person who has asbestos knowledge, experience and training can do the assessment.

The Occupational Health and Safety Regulations, 1996 stipulates the items to be assessed and the information to be submitted to the registry.

A submission to the registry must include the:

- **Type of Asbestos-Containing Material** (e.g., insulation, boiler and pipe insulation, ceiling stipple, ceiling or floor tile)
Note: Only materials or groups of materials that meet the definition of an ‘asbestos-containing material’ are to be listed in the registry. The material may be untested, but deemed to be ACM, subsection 334(2).
- **Characteristics**
 - Friability (a material is ‘friable’ if it can be crushed using hand pressure);
 - Concentration of asbestos in the material (if it is known); and
 - Details about the material for easy identification (e.g., colour, shape, size and texture).
- **Location**
 The place where the ACM is situated within the building. For example, the ACM could be at Vicki’s Happy Mart Groceries, Suite 110, floor tiles in storage room 2.
- **Accessibility** (e.g., enclosed by drywall, inside cindercrete block or encapsulated with non-asbestos cloth or metal).

How to Register and Submit Information

Building owners who are required to submit information to the registry, must:

1. Set up a user account on the registry. Owners can manage, edit and delete information related to their building within the registry.

For help with setting up an account or with adding a building to the registry, see the [Saskatchewan Asbestos Registry for Public Buildings User Guide - User Accounts and Submissions](#).

2. Deem material as asbestos-containing until it is determined to be asbestos free.

Compliance and enforcement of the amendments to *The Public Health Act* and OHS regulations came into effect on June 1, 2014.

3. Regularly review the information posted on the registry to ensure it is kept up-to-date. As asbestos changes occur, the registry must be updated. For example, if pipe insulation is removed, and it is listed as ACM, the change must be made to the registry.
4. If a public building is sold to or purchased by an owner who is not prescribed under *The Public Health Act, 1994*, the information must be updated in the registry.

How to Search the Registry

See the [Saskatchewan Asbestos Registry in Public Buildings User Guide - Searching](#) for help with accessing and searching the Saskatchewan Asbestos Registry.

Enforcement and Penalties

Compliance Undertakings

See Act, section 3-38.

When an Officer encounters a person who is not complying with OHS legislation, the Officer will take one of two actions:

1. require the person to enter into a compliance undertaking; or
2. serve the person with a notice of contravention.

A compliance undertaking is a written agreement (not a warning) where a workplace party commits to take steps to comply with OHS legislation by accomplishing specified tasks within a defined time period.

When a workplace party enters into a compliance undertaking, they must submit a progress report to show that they have completed the specified tasks.

Notice of Contraventions

See Act, section 3-38.

A notice of contravention is an enforcement tool that Officers use to address non-compliance with the OHS legislation.

In a notice of contravention, Officers:

- identify the section(s) of the OHS legislation that have been contravened;
- require that corrective action(s) be taken and specify the date by which that action is to be completed; and
- require a progress report to be sent to the OHS Division within five business days of the prescribed date for correction and to a workplace OHC or representative. Where neither a committee nor a representative exists at a workplace, the progress report is provided to the workers.

Stop Work Orders

When an Officer has formed the opinion that there is a breach of the OHS legislation that may involve serious risk to the health and safety of a worker(s), they will direct the cessation of work.

To prevent serious risk situations that could lead to a stop work order at your workplace, familiarize yourself with the examples below of conditions that are considered a serious risk.

The serious risk conditions are:

1. workers being exposed to falls in excess of three metres without appropriate fall protection;
2. the presence of floor or roof openings through which workers could fall;
3. workers working in confined spaces without atmosphere testing or other safety procedures;
4. workers working on equipment or machinery without lockout in place (when such lockout is required);
5. workers working in a trench that has not been cutback or adequately shored;
6. workers handling toxic, carcinogenic, or corrosive chemicals without the appropriate information or precautions in place;
7. workers working in an atmosphere that may pose a threat to health from inhalation of harmful substances without respiratory equipment or other controls; and
8. workers leaving trees partially cut and standing or sit back trees while continuing to work in the area.

Summary Offence Tickets (SOTs)

A Summary Offence Ticket (SOT) is a ticket issued by designated Occupational Health Officers for certain occupational health and safety violations.

Summary Offence Tickets are similar to speeding tickets. They are issued on the spot or sent by mail depending on the situation and circumstances.

There are 12 ticketable offences for non-compliance with legislation in the areas of:

- fall protection;
- excavating and trenching;
- personal protective equipment;
- submission of progress reports to the OHS Division; and
- submission of information requested by the Director.

Fines range from \$250 to \$1,000 depending on the offence.

List of Offences and Fines

The fine for each offence is established within *The Summary Offence Procedures Regulations, 1991*. Note that these fine amounts are subject to a victim surcharge established pursuant to section 13 of *The Victims of Crime Act, 1995*.

Item #	Offence	Section of the Act or Regulations	Fine Amount/Liable Parties
1.	Failing to submit a written progress report ¹	Act 3-43(b)	\$600 Employers, self-employed persons, suppliers, contractors, owners
2.	Failing to submit information requested by the Director ²	Act 3-64(1)	\$600 Employers, self-employed persons, suppliers, contractors, owners
3.	Failing to supply approved personal protective equipment	87(1)(a) regulations	\$1,000 Employers, contractors
4.	Failing to ensure that workers use personal protective equipment	87(1)(b) regulations	\$1,000 Employers, contractors
5.	Worker failing to use provided personal protective equipment	87(4)(a) regulations	\$250 Workers
6.	Failing to ensure that workers use a fall protection system where a worker may fall three metres or more	116(2)(a) regulations	\$1,000 Employers, contractors
7.	Failure to ensure that workers use a fall protection system where there is a possibility of injury if a worker falls less than three metres	116(2)(b) regulations	\$1,000 Employers, contractors, owners
8.	Failing to ensure that any opening or hole is covered and clearly marked or otherwise protected	124(1) regulations	\$1,000 Employers, contractors, owners
9.	Failing to provide an effective safeguard	137(1) regulations	\$1,000 Employers, contractors
10.	Failing to ensure that workers are protected from cave-ins or sliding material in an excavation	262(1) regulations	\$1,000 Employers, contractors
11.	Failing to ensure that workers are protected from cave-ins or sliding material in a trench	263(1) regulations	\$1,000 Employers, contractors

Item #	Offence	Section of the Act or Regulations	Fine Amount/Liable Parties
12.	Failing to implement a hazardous confined space entry plan	272(3) regulations	\$1,000 Employers, contractors
¹ <i>“Failing to submit a written progress report”</i> Act, section 3-43(b) requires the submission of a progress report to an Officer explaining what actions have been taken to remedy each violation stated in a notice of contravention within the required timelines.			
² <i>“Failing to submit information requested by the director”</i> Act, section 3-64 allows the Director of the OHS Division to request information the OHS Division needs to perform its duties and exercise its powers.			

Penalties

See Act, section 3-79.

The Saskatchewan Employment Act provides penalties as follows:

- The maximum fine for an individual(s) who causes serious injury or fatality is \$500,000.
- The maximum fine for a corporation(s) who causes a serious injury or fatality is \$1,500,000.

While the maximum penalty is set by legislation, the actual amount charged to an individual or corporation is at the discretion of a judge.

At \$1,500,000 for a corporation, Saskatchewan now has the highest penalty for incidents causing the serious injury or death of a worker in Canada. This penalty is comparable to penalties for the same offence in British Columbia, Alberta and Manitoba.

Appeals

Part III and IV of the Act explain the process by which designated individuals and entities can appeal decisions of occupational health officers.

Persons Who Can Appeal

The following individuals and entities can appeal decisions of occupational health officers:

- workers;
- employers;
- self-employed persons;
- contractors;
- prime contractors;
- owners;
- suppliers; or
- any other prescribed person or member or a category of prescribed persons.

Timeframe for Appeals

A person can file a written notice of appeal to the Director of the OHS Division within 15 business days of the date the decision was served. The written notice of appeal must:

- identify and state the decision being appealed;
- state the names of all persons who are directly affected by the decision;
- set out the grounds of the appeal; and
- state what the appellant wants done to correct the situation.

Appealing an Officer's Decision

See Act, section 3-53.

Appeals of Officers' decisions are made to the Director of the Occupational Health and Safety Division. The Director can conduct appeals internally or choose to forward them to an adjudicator. Certain appeals must be forwarded directly to an adjudicator.

The written notice of appeal must be made to the attention of the:

Director
Occupational Health and Safety Division
Ministry of Labour Relations and Workplace Safety
300 - 1870 Albert Street
REGINA SK S4P 4W1

Note: Mailed notices should be sent by registered or certified mail.

If the Director of the OHS Division conducts the appeal internally, the OHS Division will provide notice of the appeal to the persons who are directly affected by the decision and will provide opportunity for those persons to make written representations about whether the decision should be affirmed, amended or cancelled. The Director is not required to provide an oral hearing.

After conducting an appeal, the Director of the OHS Division will affirm, amend or cancel the original decision and will provide written reasons for the decision. The Director will provide a copy of the decision to all persons who are directly affected by the decision.

Appealing the Director's Decision

See Act, section 3-56.

The Director's decision can be appealed and heard by an adjudicator.

Adjudicators are assigned to specific appeal hearings by the Saskatchewan Labour Relations Board.

Adjudicators may:

- require any party to provide testimony;
- require any party to testify under oath;
- require any party to provide documents relevant to the appeal;
- administer oaths or affirmations;
- decide questions of fact relevant to the appeal and may accept evidence even if it would not be admissible in a regular court;
- conduct any appeal using a means of simultaneous telecommunications; and
- adjourn or postpone the appeal.

The Saskatchewan Labour Relations Board will consult with the adjudicator to set a time, day and place for the appeal or hearing.

The adjudicator determines the procedures by which an appeal is conducted. Adjudicators are not bound by the normal rules of evidence law and may accept any evidence they consider appropriate.

If a person who is directly affected by an appeal has been given notice of the appeal, the adjudicator may proceed in their absence. Furthermore, adjudicators, at their discretion, may use simultaneous telecommunications to conduct a proceeding. This allows the process to proceed without everyone in the same physical location.

Each party in an appeal may represent themselves or choose to have someone else represent them during the appeal process. Typically, this could mean an employer representative or a lawyer.

Under the Act, section 4-4(5), a technical or procedural error during the appeal process will not nullify or void the outcome of an appeal.

The adjudicator's decision will be based on the evidence presented during the hearings. When the hearings have ended, the adjudicator can choose to accept or dismiss the appeal, or revoke, change or accept the original decision as written.

Appealing an Adjudicator's Decision

See Act, section 4-8.

If an appeal is pursuant to a question of the law, an adjudicator's decision can be appealed to the Saskatchewan Labour Relations Board. Also, under certain circumstances, the Saskatchewan Labour Board's decision can be appealed to the Saskatchewan Court of Appeal.

For more information about appealing a decision to the Saskatchewan Labour Relations Board, contact the Saskatchewan Labour Relations Board at 306-787-2406 (Regina), or visit their website at www.sasklabourrelationsboard.com.

Appendix A: Table 7 of *The Occupational Health and Safety Regulations, 1996*

[Subsections 22(2) and 45(1)]

Employers at the prescribed places of employment, listed in Table 7, are required to:

- establish and maintain an Occupational Health & Safety Program; and
- designate a worker occupational health and safety representative if they employ 5-9 workers and engage in activities that constitute high hazard work.

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) auto-body and automotive paint repairing, bumper electroplating, auto rust proofing, auto glass installation, auto vinyl roofing, fibre glassing 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) oil well 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, tunneling;
- m) trucking; and
- n) wholesale baking, dairy products, soft drinks and food preparation and packaging.

Appendix B: How to Read OHS Legislation

Knowing how to read and use the OHS legislation will help employers, supervisors and workers:

- familiarize themselves with Saskatchewan's health and safety requirements; and
- take the correct actions to comply with the health and safety requirements for their specific workplaces.

Reading legislation is different than reading a textbook or manual. Information is organized and presented in a unique way.

How to Read the Act

[*The Saskatchewan Employment Act*](#) is 12 pieces of employment, labour relations and occupational health and safety requirements published and presented as one statute.

It is organized into Parts designated by roman numerals. The OHS legislation is located in Parts III, IV and V of the Act.

- Part III - Occupational Health and Safety
- Part IV - Appeals and Hearings
- Part V - Radiation Health and Safety

When reading the Act, you will often be looking for one specific piece of information. It is best to go directly to the Table of Contents. Note that the Table of Contents is divided into Parts, as mentioned above, and the Parts are subdivided into Divisions. The OHS Divisions are then divided further into Sections. **When trying to locate information in the Act, always remember to search by section number; not page number.**

For example, if you needed to find information about the *General duties of supervisors*, you would follow these steps.

1. Go to the Table of Contents.
2. Find Part III- Occupational Health and Safety.
3. Scan to find the OHS Division heading – Duties.
4. Finally, under Duties, you will see section 3-9, *General duties of supervisors*.

Note: Every section of Part III of the Act is preceded by the number 3. Similarly, if you were reading Part II of the Act, every section would be preceded by the number 2.

See the screen capture on the next page for a visual example of what the Act's Table of Contents looks like. The *General duties of supervisors* are highlighted. Notice that they are located in Part III, Division 3, section 3-9.

2-60	Notice required	2-90	Director of employment standards to keep records of moneys paid pursuant to this Part
2-61	Payments in case of layoffs or terminations	2-91	Posting of documents
2-62	Notice of group termination	2-92	Enforcement of extraprovincial judgments
2-63	Employee notice re termination	2-93	Application to set aside filed orders and judgment
	DIVISION 3	2-94	<i>The Pension Benefits Act, 1992</i> to prevail
	Priority of Wages		Subdivision 2
2-64	Interpretation of Division		Offences and Penalties
2-65	Wages accruing or due to be held in trust	2-95	Offences
2-66	Security interest on wages accruing or due	2-96	Order to pay wages or deliver records and information
2-67	Employees wages paid if assets of employer are insufficient	2-97	Additional powers of convicting court
2-68	Corporate directors liable for wages	2-98	Limitation on prosecutions
2-69	Responsibility of certain employers and contractors re wages of subcontractor's employees		DIVISION 7
	DIVISION 4		Regulations
	Demand on Third Party and Moneys Owed to Crown	2-99	Regulations for Part
2-70	Demand		DIVISION 8
2-71	Demand re moneys owing by the Crown and public agencies	2-100	Transitional
2-72	How moneys received by the director are to be handled		PART III
2-73	Dispute of liability of person who received demand		Occupational Health and Safety
	DIVISION 5		DIVISION 1
	Wage Assessments, Appeals, Certificates, Collections		Preliminary Matters for Part
2-74	Wage assessments	3-1	Interpretation of Part
2-75	Commencement of appeal to adjudicator	3-2	Responsibilities of minister re Part
2-76	Hearings for certain claims		DIVISION 2
2-77	Director's certificate		Administration
2-78	Filing certificate in Court of Queen's Bench	3-3	Appointment of director of occupational health and safety
2-79	Enforcement of judgment	3-4	Appointment of chief occupational medical officer
	DIVISION 6	3-5	Appointment of chief mines inspector
	General	3-6	Appointment of occupational health officers
	Subdivision 1	3-7	Written credentials for occupational health officers
	Administration		DIVISION 3
2-80	Director of employment standards		Duties
2-81	Appointment of employment standards officers	3-8	General duties of employer
2-82	Written credentials for employment standards officers	3-9	General duties of supervisors
2-83	Inspection	3-10	General duties of workers
2-84	Investigations	3-11	General duties of self-employed persons
2-85	Fee re wage assessments	3-12	General duties of contractors
2-86	Compliance audits and audit fees	3-13	General duties of prime contractors at certain multi-employer worksites
2-87	Director has standing as representative of employees	3-14	General duties of owners
2-88	Negotiation and settlement by director of employment standards	3-15	General duties of suppliers
		3-16	Duty to provide information
		3-17	Exemption
		3-18	Provision of information to medical

How to Read the Regulations:

Reading the regulations is similar to reading the Act but, the regulations contain a few additional items. These items are an index and an appendix. Follow these steps to read the regulations.

1. Use the Table of Contents to find the Parts that pertain to your workplace.
2. Always remember to search by section number, not page number.
3. Look in the Preliminary Matters section to find definitions of terms, such as 'atmosphere-supplying respirator'. See the screen capture on the next page for a visual example of what a Preliminary Matters section looks like. Notice that the definition for 'atmosphere supplying respirator' is highlighted and located in the regulations, Part I, section 2(1)(d).

PART I
Preliminary Matters

Title

1 These regulations may be cited as *The Occupational Health and Safety Regulations, 1996*.

Interpretation

2(1) In these regulations and in all other regulations made pursuant to the Act:

- (a) “**Act**” means *The Occupational Health and Safety Act, 1993*;
- (b) “**air-purifying respirator**” means a respirator that removes airborne contaminants from the air inhaled by a worker;
- (c) “**approved**” means:
 - (i) approved by an agency acceptable to the director for use under the conditions prescribed by the agency; or
 - (ii) approved conditionally or otherwise by a certificate of the director;
- (d) “**atmosphere-supplying respirator**” means a respirator that delivers clean breathing air to a worker from a compressor or a cylinder, an SCBA, whether closed or open circuit, or a combination of SCBA and supplied air;
- (e) “**borehole**” means a mechanically drilled hole in the ground;
- (f) “**building shaft**” means a continuous vertical space substantially enclosed on all sides that extends for two or more floors, and includes an elevator shaft, a ventilation shaft, a stairwell and a service shaft;
- (g) “**class A qualification**” means a certificate or certificates that:
 - (i) are issued by an agency, as defined in section 50, 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
 - (ii) qualify the holder to perform the services set out in Table 2 of the Appendix;
- (h) “**class B qualification**” means a certificate or certificates that:
 - (i) are issued by an agency, as defined in section 50, with respect to the successful completion of a first aid training course and a cardiopulmonary resuscitation training course that meet the minimum requirements for

4. Use the Index to locate specific regulations. The topics are organized alphabetically. When you find your topic, a section number will be given.
5. Use the appendix to locate reference tables. The appendix to the regulations contains tables of information that are referenced, but not included, in the regulations. See the screen capture below for a visual example of a table in the appendix to the regulations. Notice that ‘Table 14.1, *The Minimum Requirements for Trained Operator of Power Mobile Equipment*’, is referenced in Section 154 of the regulations.

TABLE 14
[Subsection 85(1)]
Repealed. 4 Nov 2005 SR 112/2005 s8.

TABLE 14.1
[Section 154]

Minimum Training Requirements for
Trained Operator of Power Mobile Equipment

In this Table, ‘PME’ means Power Mobile Equipment

Course Content:

- A. *Occupational Health and Safety Regulations, 2007/08* 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. Manufacturers 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:

Understanding Occupational Health and Safety in Saskatchewan

2015

For more information, please contact the Ministry of Labour Relations and Workplace Safety Occupational Health and Safety Division at:

Regina

300 - 1870 Albert Street
REGINA, CANADA S4P 4W1

Inquiry: 306-787-4496
Toll Free: 1-800-567-7233

Saskatoon

8th Floor, 122 3rd Avenue North
SASKATOON, CANADA S7K 2H6

Inquiry: 306-933-5052
Toll Free: 1-800-667-5023