



WorkSafeNB Legislative Change Update CSSE – NB Chapter



# Agenda - Feb 12, 2020



- Supervisor legislation
  - Come into force: Jan 2020
- > Harmonization of select PPE standards and First Aid kits
  - Expected come into force: April 2020
- Administrative penalties
  - Possible come into force: 2021
- Regulation 91-191 (logging & silviculture, occupational hygiene & construction)
  - Possible come into force: 2021

# Agenda

- Supervisor ALA
  - Come into force: Jan 1, 2020

- Regulation 91-191 RB
  - Expected come into force: 2022 & 2023

- PPE & First Aid Kit Harmonization ALA ()5 Commercial Fishing RB
  - Come into force: May 19, 2020

- - Possible come into force: 2021

- Administrative Penalties ALA
  - Come into force: Sept 1, 2020

- Further harmonization ALA
  - Fall Protection PPE
  - First Aid Training
  - OEL

#### 01 Supervisor

- Came into force: Jan 1, 2020
- Phased in implementation
- Information & resources

   uploaded to
   worksafenb.ca/safety-topics in spring 2020
- Developed SAT for Officers
- Developed SAT for workplaces, including User Guide



#### Supervisor Assessment Tool - SAT

- Part 1 Assessment of Supervisor's knowledge of OHS legislation
- Part 2 Assessment of Supervisor's knowledge of task specific OHS knowledge
- Part 3 Assessment of sufficiency of task specific supervision

How to score supervisor kno	wledge			ork (tasks)	Specifi	c OHS Kno	owledge	y	ncy As
The supervisor has sufficient knowledge			Y	ervations may	9(2)(c.3)(i)	9(2)(c.3)(iv)	9(2)(c.3)(v)	7	ncy As
The supervisor has no/little knowledge		7	equired for acy & sufficiency ments of tasks)	Supervisor has sufficient knowledge of Yes - No* - N/A				w much supe	
The provision doesn't apply at this workplace								Employees	
ervisors must be knowledgeable about the OHS Legislation	OHS Act Knowledge Sections	nowledge Legisla		Regulation	Procedure or CoP	Protecti equipm		familiar witl task Yes-0 / No -	
of employers, supervisor & employee (s. 9, 9.1 & 12)					4				
refuse steps (s. 19 to 23)				/			/		
inatory action (s. 24 to 27)	9(2)(c.3)(į)								
exposures & catastrophic events reporting (s. 43)			- 7			1	7		
tion and training of new employees (s. 8.2)	*						/		
Policy (s. 8 or 17)	9(2)(c.3)(ii)		_		<del>28 - 5</del>	-			
& Safety Program (s. 8.1)	9(2)(c.3)(iii)	7					/	/ 3	
natters related to H&S (Act & Regs)		,						0:	
-aid (kits, provider, room, communication procedure)			$\sqrt{}$		D 0	19	7	/	
or H&S Rep (members, minutes, etc.)	9(2)(c.3)(vi)						L/ /		
					(d) (i)		V –	/2	

	w much superv	ision is required	Level of supervision			
	Employees	Dist.	Low < 2 High = 4 Medium = 2 to < 4			
	familiar with task Yes-0 / No -1	Risk Low-0 / High-2	Required (based on total score)	Provided (based on observations		
1						
1						
1						

#### SAT prerequisites

Employer must have established and implemented all required H&S infrastructure\*

**H&S Infrastructure** refers to systems or written documentation that integrates safety into all work practices and conditions. This includes health and safety program, orientation and training, JHSC, policies, directives, procedures and codes of practice

- 2. Assessor must be fully knowledgeable of
  - NB OHS legislation
  - Workplace H&S infrastructure
  - Task specific OHS knowledge

#### 02 PPE & First Aid Kit Harmonization

- Came into force: May 25, 2020
  - PPE: Footwear, Eye & face protector, Headwear, Hearing protection & Life jackets/PFDs
- Gradual phase out of PPE & kits
- Information & resources uploaded to worksafenb.ca/safety-topics in fall 2020
- Recently added: <u>Head Protection Hazard</u> Assessment





#### 03 Administrative Penalties

- Came into force: Sep 1, 2020
- Select implementation (Covid 19 measures) Jan 2021
- Full implementation June 17, 2021
- Information & resources uploaded to worksafenb.ca/safety-topics in winter & spring 2021





Employer, contractor, etc.

\$500

\$1,000

\$2,000

Supervisor/Owner

\$250

\$500

\$1,000

Employee

\$100

\$200

\$500

### When do administrative penalties apply?







High risk situations

Repeat orders for same violation (within 2 yrs.)

**H&S** Initiatives

## Party receives Admin Penalty package



Notice of Administrative Penalty



Copy of Inspection Report



Payment Return Form

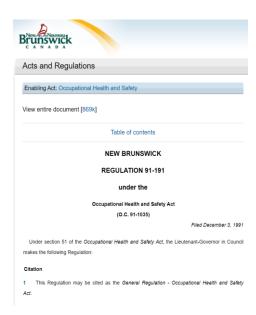
#### Payment of Administrative Penalty

- Due within 30 days of being served.
- Payable by cheque to WorkSafeNB or through internet banking.
- Payment will go into the Accident Fund and will be used for health and safety initiatives.



#### 04 Regulation 91-191 - Richard

- Expected come into force: April 2022, Sept 2022
  & Jan 2023
- Combines recommendations from 3 Technical Committees
- Regulation not substantively modernized in years, a few exceptions
- Update outdated provisions and standards
- Address matters identified through investigation of serious injuries and fatalities
- Incorporate recommendations from labour and employer stakeholders



#### Summary of Proposed Changes

- Logging and silviculture
- Construction
- Occupational hygiene
- Move asbestos provisions from separate regulation into Reg 91-191 & make more accessible for workplaces
- Update standards cited
- Consequential amendments to Underground Mine Regulation 96-105

# Logging and Silviculture

- Establish curriculum requirements for logging training program
- Enhance provisions for
  - logging practices
  - transporting of equipment
  - employee-to-employee communication



#### Construction

- Demolition
- Welding and other hot work
- Electrical safety
- Explosives
- Lockout requirement for piping containing hazardous substances and for pressure & process vessels



An example of a pressure/process vessel used in many New Brunswick workplaces

# Occupational Hygiene

- Program for the prevention of hearing loss
- Air quality & ventilation
- Storage of hazardous substances
- Confined space
- Welding
- Laboratory safety (new provisions)
- X-Ray safety (new provisions)
- Laser radiation update and new standards



#### Asbestos

- Repeal Regulation 92-106 Working with Material Containing Asbestos and incorporate its provisions into Regulation 91-191
- Update requirement for protective equipment
- Update asbestos abatement practices by amending Code of Practice for Working with Material Containing Asbestos
- Update occupational exposure limits



# Updating Standards (examples include)

- Personal protective equipment
- Emergency eyewash/shower
- Chainsaws
- Ladders
- Large construction equipment
- Lighting
- Ventilation
- Portable compressed gas containers
- Radiofrequency Radiation



#### Current status

- Documentation being prepared for Cabinet to accompany the request to draft
- Public Review period will be extended in order to gather additional info on business impact (from 28 days to 56 days)
- Date for public review TBD
- Work is underway to prepare tools and resources to assist employers to comply
- Staggered 'come into force' approach
- Once available tools and resources will be uploaded to worksafenb.ca/safety-topics – stay tuned

# Staggered Come into Force Approach

Given post-pandemic economic recovery climate, a staggered approach for coming into force is proposed

# Phase 1 Come into force: April 1, 2022

# Phase 2 Come into force: September 1, 2022

# Phase 3 Come into force: January 1, 2023

#### **Urgently Needed Amendments:**

- Logging/Silviculture
- Air Quality & Ventilation
- Asbestos and OELs

- Confined space
- Electrical safety
- Excavation
- Large construction equipment standard updates
- Welding
- Laboratory safety
- Lockout for piping

- Impacts approximately
   10 sectors/industries
- Represents approximately
   10% of overall legislative change impact on NB workplaces
- Impacts approximately
   15 sectors/industries
- Represents approximately
   30% of overall legislative change impact on NB workplaces

#### **Remainder of Amendments**

- Explosives
- Laser radiation
- Hearing loss prevention
- Portable compressed gas containers
- Personal protective equipment
- Emergency eyewash & shower
- Ladders and Lighting
- Impacts approximately29 sectors/industries
- Represents approximately
   60% of overall legislative change impact on NB workplaces

#### 05 Commercial Fishing

- Currently definition of place of employment does not include fishing vessels
- Courts have ruled that the business of fishing is provincial jurisdiction
  - Integrity of vessel and other related measures remains with Transport Canada
  - There will be overlap with federal legislation
- NB is the only jurisdiction that does not enforce OHS in commercial fishing



#### Commercial Fishing

- Proposed changes to legislation
  - Change definition of place of employment
  - Add a definition for fishing vessel
  - Mandatory PFD/life jackets while on the vessel\*
  - Completing stakeholder consultation
- PFD Campaign/Resources developed
- Possible come into force: Fall 2021





#### 06 Further Harmonization

- Fall Protection PPE
  - Included in agreement to be signed by Ministers in 2021
  - Proposed implementation: April 2022
- First Aid Training Proposal
  - Consultation Fall 2021
- Occupational Exposure Limits (OEL)
  - Early discussion
  - Start with a few substances
  - Work with Health Canada



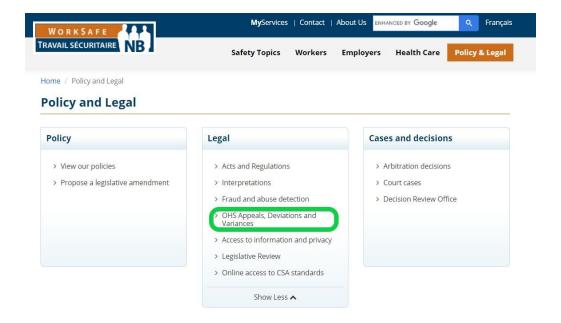
REGULATORY
RECONCILIATION AND
COOPERATION TABLE (RCT)

TABLE DE CONCILIATION ET DE COOPÉRATION EN MATIÈRE DE RÉGLEMENTATION (TCCR)

#### Bonus: Appeals, Deviations & Variances

#### Process improvement

- Web content
- Forms



## Questions?