



Information
on
Workplace
Health & Safety



WCB Information Series publication

Introduction

This guide is designed to provide basic information about workplace health and safety as required by the *Occupational Health and Safety Act*. It is not a substitute for the OHS act and regulations. You are encouraged to read the act and regulations and the guides to them. A copy of the act and regulations are required in your workplace. They are also available on the WCB web site at www.wcb.pe.ca or contact the WCB at the address listed on the back cover of this document.

Occupational Health & Safety

24 Hr Emergency Telephone:

(902) 628-7513

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1. What is the purpose of the Occupational Health & Safety Act?

The Occupational Health & Safety Act (OHS Act) is a provincial law that ensures that minimum workplace health and safety standards are established in the workplace. The OHS Act uses General Regulations to set these minimum health and safety standards.

2. What is the role of the Workers Compensation Board with respect to the Occupational Health and Safety Act?

The Workers Compensation Board (WCB) administers the OHS Act. The WCB has the power to set the Regulation standards and enforce them through OHS Officers. The WCB is also responsible for providing education on workplace injury and illness prevention.

3. What is the Difference between the Occupational Health and Safety Act and the Workers Compensation Act?

The Occupational Health and Safety Act is designed to legally protect workers by enforcing minimum health and safety standards. The Workers Compensation Act is a law that entitles workers to a no fault workplace insurance program. Workers Compensation insurance protects employers against lawsuits from injured workers, and ensures that all workers in P.E.I. are protected from economic hardship caused by work-related injuries or diseases.

4. What is the Internal Responsibility System?

The Internal Responsibility System is based on the principle that all persons in a workplace share the responsibility of health and safety to the extent of that person's ability. It stands to reason that the people doing the work are most often aware of the hazards around them and their solutions. Therefore, a healthy and safe workplace depends on good communications.

5. What workplaces are covered under the Occupational Health and Safety Act?

All workplaces that fall under the provincial jurisdiction of Prince Edward Island must comply with the Occupational Health and Safety Act. Federal employers are regulated by the Labour Code of Canada.

6. How does the Occupational Health and Safety Act protect workers?

The OHS Act provides workers with three basic rights:

The Right to Know

Workers have the right to information on issues in the workplace that may affect their health and safety. Therefore, workers must have training available to them on all hazards within the workplace.

The Right to Participate

Workers may participate in finding solutions to working in a safer workplace. This can be achieved by reporting unsafe or unhealthy working conditions or by joining the workplaces Joint Occupational Health and Safety Committee or by becoming an Occupational Health and Safety Representative.

The Right to Refuse Unsafe Work

A worker's right to refuse work is protected under the law. If a worker is asked to do something dangerous or unhealthy, that person has the right to refuse. Under the OHS Act, a worker can not be fired or disciplined as a result of the refusal.

To be protected, the worker must use the following protocol:

1. Report the concern immediately to the supervisor and if a hazard is present, go to a safe place. It is important to remain at the workplace during normal working hours. If a worker leaves the workplace, that person will lose his or her rights under the OHS Act. The employer may reassign the worker to another job. Some tasks may be safer for another worker to complete because of their age, ability or training.
2. The supervisor should promptly investigate the

situation while the worker is present. If the supervisor agrees that there are grounds for refusing to work, then the worker is not required to do that task until the problem is fixed. However, if the supervisor disagrees, he or she may ask someone else to do the work, but must inform the replacement person of the reasons for the refusal.

3. If the worker still has concerns, that person should promptly report the situation to the Joint Occupational Health and Safety (JOSH) Committee or Occupational Health and Safety (OHS) Representative. If the workplace employs less than five people and there is no representative, the case can be reported directly to the WCB.

4. The JOSH Committee or OHS Representative will investigate the situation. If they agree that there may be a risk, they will recommend that the employer find a solution. If they feel there is no risk, the worker will be advised to return to work.

5. If the worker, OHS Representative or JOSH Committee still has concerns, they may report the concern to the WCB. The OHS Officer will investigate and decide if the grounds for the refusal are reasonable. In some cases, such as air quality problems, the risks will require further testing to ensure safety. The OHS Officer will order that this be done if it appears there may be unsafe working conditions. In the event that the OHS Officer can not find a hazard, the officer will advise the worker to return to work. At this point, further refusal is no longer protected under the OHS Act.

Communication Process	Communication for Occupational Health and Safety Concerns and Workplace Injuries
First	Supervisor
Second	OHS Representative <i>or</i> Joint Occupational Health & Safety Committee (JOSH Committee)
Third	WCB – OHS Division

7. What are the responsibilities of the workers?

According to the OHS Act, workers are:

- To work safely, protect the health and safety of others and follow safe work procedures at all times. Personal protective equipment, such as safety glasses, hearing protection and steel-toed boots, must be worn if they are required to do a job safely. Equipment guards must also be kept in place and used properly;
- To co-operate with the OHS Representative or JOSH Committee and OHS Officers. The Internal Responsibility System depends on open communications;
- To report hazards, injuries and unsafe working conditions to the supervisor. If the supervisor is unable to respond to the issue, then the safety representative or committee member must be notified. If the problem is still not resolved, report it to the WCB at (902)368-5697. *If it is an immediate hazard after hours, use the 24 hour emergency toll free number (902)628-7513.*

8. How does the Occupational Health and Safety Act help employers?

The OHS Act sets minimum health and safety standards so that all employers operate with equal requirements. The WCB also provides employers and their safety committees/representatives with educational material on injury and illness prevention. With increased safety awareness in the workplace and good communications through a safety committee or representative, workplace injuries should be reduced. This will reduce the number of days their employees are off work and will reduce their Workers Compensation insurance premiums. Workplace safety is good business!

9. What are the responsibilities of the employers?

The OHS Act states that employers are:

- To provide and maintain all materials and equipment in a safe manner;

- To provide training and supervision necessary to ensure safe working conditions;
- To cooperate with safety committees, representatives and OHS Officers;
- To display a copy of the OHS Act and Regulations and post the phone number where the WCB can be reached;
- To post any orders issued from the OHS Officers where employees can read them;
- To provide and post the names and contact information of all current JOSH Committee members or OHS Representatives;
- To report all serious workplace injuries to the WCB at 902-628-7513 and complete the Employer’s Report – Form 7.

10. What are Joint Occupational Health and Safety (JOSH) Committees and Occupational Health and Safety (OHS) Representatives?

Every workplace, which has 5 to 19 workers, is required to have an OHS Representative who is not a supervisor. Every workplace with 20 or more workers must have a Joint Occupational Health and Safety Committee (JOSH Committee). The term “Joint” indicates that there is representation from both workers and management. At least half of the committee must be made up of workers with no supervisory duties.

OHS Representative	JOSH Committee
5 - 19 workers Representative chosen by workers. Must be someone with no supervisory role	20+ workers Committee consists of at least 50% workers plus management representation.
Required: OHS Policy ONLY	Required: OHS Policy & Program
Purpose: to have a formal way of communicating concerns to management.	Purpose: to provide a communication forum between workers and management to discuss workplace hazards, develop solutions and ensure implementation.

11. What do Occupational Health and Safety Representatives do?

Occupational Health and Safety (OHS)

Representatives are required in workplaces that have between 5 and 19 workers. OHS

Representatives meet regularly with the supervisor or employer to identify health and safety hazards and discuss solutions. Their duties are to:

- advise the employer on health and safety issues;
- receive complaints, investigate them and make recommendations to the employer;
- offer advice, in consultation with co-workers, about personal protective equipment and other safety needs.

12. What do Joint Occupational Health and Safety Committees do?

Joint Occupational Health and Safety (JOSH)

Committees are groups of worker and employer representatives working together to identify and solve health and safety problems at the work site.

The primary purpose of the JOSH Committee is to facilitate communication on health and safety issues. Their duties are to:

- identify health and safety hazards;
- advise employer of health and safety requirements
- receive complaints, investigate them and make recommendations to the employer;
- participate in regular inspections of the workplace;
- review safety policies and programs and make recommendations to the employer;
- inform workers of existing or potential hazards at the workplace and the risks to their health and safety;
- keep records and minutes of their meetings and post them.

13. What is the difference between a Policy and a Program?

A Policy is a document which states an employer's Occupational Health and Safety principles and makes a commitment to a safe and healthy workplace. It is required to be posted in all workplaces hiring more than five workers. The OHS Program is an action plan that details how

a workplace is going to achieve its OHS Policy. It must include provisions for training programs, written work procedures, a complete hazard identification system and detailed records of injuries, inspections and minutes from regular JOSH Committee meetings. A program is required for those workplaces hiring more than twenty workers.

OHS Policy	OHS Program
5 - 19 workers Required in all workplaces with more than five workers.	20+ workers Program required if more than twenty workers.
The purpose is to state a commitment to injury and illness prevention and to outline responsibilities for workplace injury or illness prevention.	The purpose is to have a clear outline of responsibilities in injury prevention including hazardous procedures on how to work safely and processes for workplace inspections and accident investigations

Visit our website www.wcb.pe.ca to view our guides:

- Guide to Workplace Health and Safety Committees
- Guide to Workplace Health and Safety Representatives
- Guide to Workplace Health and Safety Policy
- Guide to Workplace Health and Safety Programs

14. What do Occupational Health and Safety Officers do?

1) Workplace Inspections - An OHS Officer inspects all workplaces across Prince Edward Island under provincial jurisdiction. They ensure that all health and safety standards are being met by both the employer and the workers. The Officer documents the entire inspection and prepares a report, on-site. If there is a violation of the OHS Act, the Officer issues an Order to remedy the situation and it includes a due date in which the Order is to be complied by. Employers with higher workplace injury rates and high risk jobs will be inspected more often.

2) Workplace Injury or Fatality Investigations

- OHS Officers have formal training through the RCMP in investigation procedures. OHS Officers will respond to a workplace following a report of a serious workplace injury or fatality to the WCB. They can request records and documents, take samples, seize items and take witness statements. The purpose of the investigation is to collect information to help workplaces prevent this type of injury from happening again in the future.

3) Work Refusal or Complaint - OHS Officers will respond as quickly as possible to reported work refusals to assist the OHS Representative or JOSH Committee in determining whether there are reasonable grounds for the refusal. Orders may be issued if the OHS Officer determines the workplace is unsafe.

4) Invitation by Employer - Proactive employers will request a workplace inspection to assist them in identifying hazards that need to be addressed. The OHS Officer can provide the JOSH Committee with a list of safety consultants to assist them in their training program. The OHS Officers can also connect the OHS Representative or JOSH Committee with one of the Education Consultants from the WCB to improve their knowledge on their responsibilities under the OHS Act.

15. What services do Education Consultants provide?

Education Consultants at the WCB provide assistance to workers and employers by providing them with information. Their services include:

- 1) Providing education on the OHS Act and Regulations as it relates to the workplace;
- 2) Facilitate sessions for safety committees and representatives to help understand their roles, responsibilities and requirements for an OHS Program as part of the process to improve health and reduce injuries at the workplace;
- 3) Providing specialized education specific to the health and safety needs of young workers, farm workers and health care providers;
- 4) Producing Hazard Alerts, guides and posters for current awareness campaigns.

16. When would our workplace need a Professional Safety Consultant?

Professional Safety Consultants and Occupational Hygienists from the private sector have more formal training in specialized areas. Their services might be required if there are concerns such as chemical safety, air quality issues and respirator requirements, or hearing tests and noise monitoring. Private consultants can also develop OHS Programs that are specific to a workplace. The JOSH Committee or OHS Representative can recommend to the employer to contract these services if they determine that they are needed.

17. What is a Stop Work Order and when would it be issued?

A Stop Work Order forces an employer to stop all work within a specific area until a safety problem is corrected. For example, if there were workers in a three meter trench and no barriers were present to prevent a cave in, the officer would issue a Stop Work Order for the trench work. The employer would have to fix the safety problem before anyone could return to work in that trench.

A Stop Work Order could also be broadened to include an entire building if, for example, there was a gas leak.

18. What happens if an order is not complied with?

On the rare occasion when an employer does not comply with an Order, or in the event of a serious injury or fatality, the file can be sent to a Crown prosecutor for review. If charges are laid and the employer is found guilty, the court may levy a fine of up to \$250,000 or order the facts around the case be made public. The intent is to help prevent a similar incident.

Safety matters at work!

Statistics show that some workplaces have a high rate of injuries while others, with similar work have none. The difference is in how workplace health and safety plans are managed. Experience has shown that workplaces with good communications and functioning safety programs not only have reduced injuries and illness, but they also have better quality and production rates as well.

The WCB would be pleased to assist you in making your workplace a healthier, safer place to be. For more information call the WCB at the numbers on the outside cover of this pamphlet or visit the WCB website at www.wcb.pe.ca.

You can make a difference!

- **Join your JOSH Committee and contribute your experience and ideas!**
- **An effective safety system depends on open communications. Bringing even the smallest issues to the attention of the safety committee, representative or supervisor are important for a safer and healthier workplace.**
- **Follow safe work procedures.**



14 Weymouth Street, P.O. Box 757
Charlottetown, Prince Edward Island C1A 7L7

Telephone: 902-368-5680
Toll Free in Atlantic Canada: 1-800-237-5049
Fax: 902-368-5705
Website: www.wcb.pe.ca