

New Regulations

Background:

New workplace safety and health regulations will consolidate 12 existing regulations that had been developed over the past 30 years. These new regulations represent the second phase of the modernization of Manitoba workplace safety and health laws. The Act itself was extensively amended in 2002, and the regulation builds on those changes.

The review of regulations under The Workplace Safety and Health Act was initiated in the fall 2002. That year, the Workplace Safety and Health Review Committee submitted its report, entitled "Building a Workplace Safety and Health Culture", to the Minister of Labour and Immigration. The Committee noted that consultation with employers, labour and technical experts should be undertaken to review Manitoba regulations to ensure that they are comprehensive, easily understood and offer clear direction. The Committee also recommended specific issues be reviewed, including protection from violence and harassment in the workplace, standards to deal with musculoskeletal injuries (ergonomics), chemical exposure limits and protection for pregnant and nursing women. The recommendations were accepted by the Government of Manitoba in 2002 and a comprehensive review of the regulations was initiated.

The new regulations have been developed after a four-year consultation process. Sixteen separate Technical Working Groups, made up of representatives of employers, workers, technical organizations and government, were established in 2002. Recommendations developed by the groups were forwarded to the Minister's Advisory Council on Workplace Safety and Health for review in 2003. Extensive follow-up consultations with stakeholders were undertaken, including a public release of the recommendations on the department's web site.

New, updated regulations provide clear direction to employers and workers to assist in further reducing workplace injuries and illnesses, and help ensure greater consistency in enforcement by safety and health officers.

Careful effort was taken to ensure the new regulations are consistent with other jurisdictions (particularly Ontario and other western provinces) and that the package brings Manitoba into the mainstream of Canadian occupational safety and health law.

Key Changes:

General Matters

- Conformity to Codes and Standards – employers and other workplace parties will be required to comply with the most current versions of safety standards (e.g., Canadian Safety Association standards) referred to in the regulation (the standard or code as amended from time to time). A sub-committee of the Minister's Advisory Council has been established to review concerns which may arise.
- Where the regulation requires that the design of a tool, machine or equipment meet a code or standard, the code or standard to be met is the edition that was published at the time the tool, machine or piece of equipment was manufactured.

Harassment in the Workplace

- A harassment prevention policy must be developed (in consultation with the workplace safety and health committee or representative), implemented and posted in the workplace. The policy must state that:
 - No worker shall be subjected to harassment
 - The employer will take corrective action
 - The policy is not intended to discourage/prevent complainant from exercising other legal rights, etc.

Violence in the Workplace

- The employer is required to identify and assess the risk violence in the workplace, and instruct workers about the risk
- A violence prevention policy must be developed (in consultation with the committee or representative), implemented and posted in the workplace
- The policy must provide information on the following procedures:
 - How to eliminate or minimize the risk of violence

- How to report an incident of violence
- How to investigate and inform of the results

Musculoskeletal Injuries (Ergonomics)

- New regulatory requirements spell out the employer's duty to conduct a risk assessment, in consultation with the safety and health committee or representative, where a risk of Musculoskeletal Injuries :
 - is known to be present
 - is reasonably obvious
 - has been identified
- If the assessment identifies a risk to workers, control measures must be implemented.

Hearing Conservation and Noise Control

- Engineering controls or the use of hearing protectors and warning signs are mandatory at exposure levels of 85 dBA (*previously 90 dBA*).
- The employer must provide annual audiometric testing to workers exposed to noise levels over 85 dBA (*previously 80 dBA*).
- Upon request, hearing protectors must be provided to workers exposed to noise levels over 80 dBA (*previously 85 dBA*).

Confined Space Work

The employer must develop and implement safe work procedures that provide specific details on:

- safe access to and egress from a confined space
- personal protective equipment required (including respiratory protection)
- designation of a standby worker
- emergency response
- ventilating and testing
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Roof Work/Homebuilders

- The employer must develop and implement safe work procedures for roof work, and train workers on these procedures.
- Prior to roof work being performed, the roof and building structure must be evaluated to ensure its capability of withstanding the loads to be imposed on it.
- Full fall protection systems will generally be required for all construction work performed where there is a fall height of 3 metres or more, and for the erection of steel buildings (prior to this work was exempt from the requirements).
- Special provisions will apply to roof work on residential buildings, recognizing that full fall protection systems cannot always be implemented in this work.

Excavations

- Shoring is generally required in an excavation exceeding 1.5 metres in depth (*previously 1.8 metres*), with some exceptions.
- Excavations more than 3 metres deep must have a support structure installed that is designed and certified by a professional engineer.

Oil and Gas

- The employer is required to develop and implement safe work procedures regarding the drilling, operating or servicing of wells, and train workers on these procedures.

Firefighters

- General standards for vehicles and equipment
 - Any firefighting vehicle and equipment for use in an emergency operation must be designed, constructed, operated, maintained, inspected and repaired to ensure the safety and health of a firefighter

Asbestos

- An asbestos control plan must be developed and implemented
- All asbestos-containing material in a workplace is to be identified by signs, labels or other effective means
- All work processes are to be carried out in a way that prevents asbestos-containing material from becoming airborne
- Workers who may be exposed to asbestos-containing material are to be informed, instructed and trained in:

- The hazards of asbestos
- Means of identifying the asbestos-containing material at the workplace
- The use of personal protective equipment
- The purposes of any health monitoring that the worker may be required to participate in

Radiation

- Where workers are exposed to levels of radiation that can create a risk to their safety and health, the employer must implement procedures that control that risk.
- The employer must inform a worker who may be exposed to radiation in the workplace of the potential hazards of radiation exposure.

Robotics

- The employer must develop and implement safe work procedures regarding the installation, operation, use, teaching and maintenance of the robot system used in the workplace, and train workers on these procedures.
- Every robot and robot system must have safeguards that prevent workers from entering the restricted work area while the robot or robot system is in motion.

Division Communication Plan:

- The Workplace Safety and Health Division will communicate the changes to stakeholders in the SAFE Work Newsletter which is distributed to approximately 35,000 Manitoba workplaces. The newsletter will be mailed out immediately after release of the regulations.
- The Department will continue to meet with interested organizations to communicate the changes.
- Immediately following the release of the regulations, Workplace Safety and Health Officers will distribute a brochure to employers (during site visits or inspections), highlighting key regulatory changes.
- Updated and new publications (e.g. regulation summaries, (4) codes of practice, (14) guidelines and (over 100) bulletins) relating to the regulation will be prepared and available to stakeholders on the Division's web site, in hard copy or on CD-ROM.