



# Occupational Health and Safety Branch

## Service NL

# Occupational Health and Safety Branch



- Aims to protect the health and safety of the province's workforce through
  - the development and enforcement of occupational health and safety laws, which sets out minimum requirements to protect health and safety,
  - inspection of workplaces, and
  - investigation of workplace complaints, serious injuries/incidents and fatalities.

# Purpose of Enforcement



The purpose of enforcement is to:

- ensure that employers and employees deal immediately with serious risks;
- get compliance and to ensure continued compliance;
- ensure that people who violate health and safety laws are held accountable and are prosecuted where necessary

# Authority of an Officer



Section 26 of the OH&S Act allows an Officer to:

- enter a place of work at any reasonable hour and inspect the worksite or equipment found at the worksite
- require production of documents such as log books and removing/copying them
- conduct tests, take photographs, collect samples
- conduct investigations to determine cause
- compel the attendance of witnesses and take evidence under oath



## Duty of Employers

- Section 4, OH&S Act states:  
An employer shall ensure, where it is **reasonably practicable**, the health, safety and welfare of his or her workers.
- Act outlines long list of specific duties of the employer, who has **ultimate** responsibility for providing a safe and healthy workplace



## Supervisor General Duty

“Supervisor” means a person authorized or designated by the employer to exercise direction and control over workers

- advise workers under his or her supervision of the health or safety hazards that maybe met by them in the workplace
- provide proper written or oral instructions regarding precautions to be taken
- ensure the use of protective equipment, devices or other apparel as required
- ensure where it is reasonably practicable, the health, safety and welfare of all workers under his or her supervision



## Workers General Duty

A worker shall take reasonable care to protect his or her own health and safety and that of workers and other persons at or near the workplace:

- make proper use of all necessary safeguards, safety devices and appliances
  - (i) designated and provided for his or her protection by his or her employer, or
  - (ii) required under the regulations to be used and worn by him or her, and follow the safe work procedure in which he or she has been instructed
- report immediately to his or her employer or supervisor a hazardous condition that may come to his or her attention
- cooperate with employer in respect of OHS on workplace



## Duty to Report to Supervisor

- When an unsafe condition is discovered by a person, it shall be reported as soon as practicable to a supervisor who shall ensure that appropriate action is taken, without delay, to prevent a worker from being injured
- Where a worker exercises his or her right to refuse to work under section 45, or where he or she believes that a tool, appliance or piece of equipment, or an aspect of the workplace is or may be dangerous to his or her health or safety or that of other workers at the workplace or another person at the workplace, the worker shall immediately report it to his or her supervisor



# Right to Refuse



A **worker** may refuse to do work that the worker has reasonable grounds to believe is dangerous to his or her health or safety or the health and safety of other persons at the workplace, until:

- remedial action has been taken by the employer to the worker's satisfaction
- the **committee** or worker representative **has investigated** the matter and advised the worker to return to work
- an officer has investigated the matter and advised the worker to return to work



## Right To Refuse

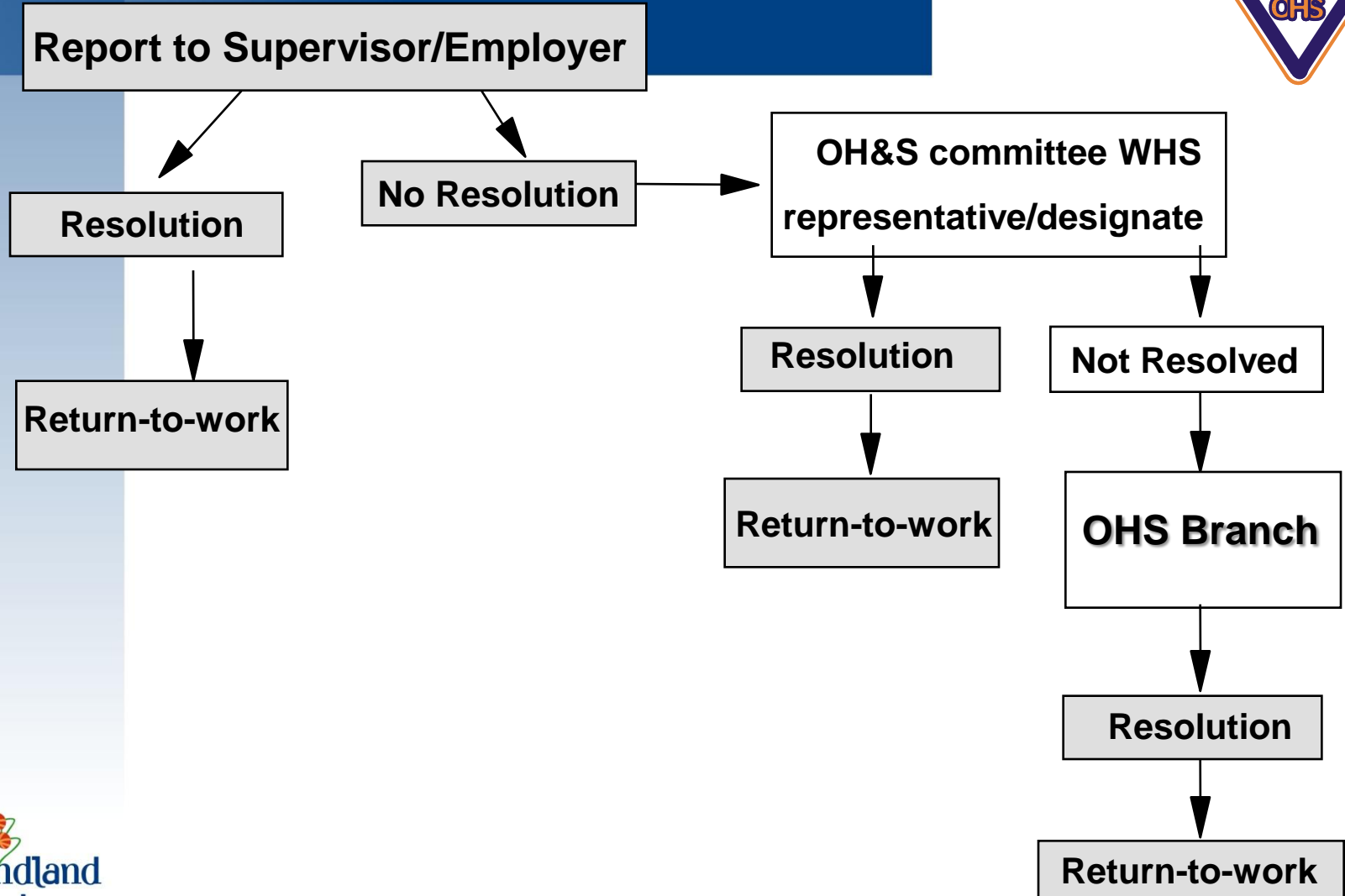
perform any **task** which you believe that may present a danger to you or anyone else at the site

situational, individual and site specific

not a “group” right, it’s an individual right and what may be safe one day may not be safe the next day, individual and circumstances can change

know if anyone else before you has refused to perform this task and why

# RIGHT TO REFUSE



# General Observations



- Committees generally fail to focus on the safety issue, see the committee as taking “sides” (*Remember: there are no “sides” to safety*)
- Committees generally don’t understand their role, “Stick to Facts”, don’t challenge information independently
- Need to confirm/verify for yourselves, if there or is there not a safety issue (lack of communication can be a safety issue)
- Failure to make a decision and try and kick it to the regulator, (*doesn’t work, we’ll kick it back to you*)
- Workers failure to follow procedure in refusal process and to **clearly communicate** what the safety concern is regarding the task at hand (*writing it down really helps*)

# Fundamental Questions and Answers



- Will performing the task or activity be dangerous or pose a safety hazard, or risk to health?
- *“How?”*
- Did the worker has **reason to believe** that performing the activity could be unsafe? probable verses possible....
- *“Why?”*
- *Gather facts, ask questions, be thorough, question assumptions, challenge “authority”, gather more facts...write stuff down*