

HANDI-GUIDE TO SASKATCHEWAN'S OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

Table of Contents

About this HANDI-GUIDE	ix
Regulatory Change and Future Editions	ix
Acknowledgements	ix
Permissions and Copyright	ix
Regulatory Update	1
1.0 OHS Legislative Framework	1
1.1 <i>Saskatchewan Employment Act</i> and <i>OHS Regulations</i>	1
1.2 Changes in 2023 to Part III (OHS) of <i>Saskatchewan Employment Act</i>	2
1.2.1 Five-year Fatalities and Serious Injuries Strategy	3
1.3 Review of Changes in 2022 and 2021	4
1.3.1 Harassment Provisions in Force January 1, 2022	4
1.3.2 OHS Regulations in Force April 2021	5
1.3.2.1 Meeting First Aid Requirements	6
1.3.3 Other Legislative Reviews	6
1.4 Review of Legislative Updates in 2020	6
1.4.1 Summary of Earlier Changes to <i>SE Act</i>	7
1.5 Employment Standards and Labour Relations	7
1.5.1 Employer Duties Under Part II	9
1.6 Occupational Health and Safety (OHS) Division	10
1.7 OHS Compliance and Enforcement	10
1.7.1 Compliance Undertakings and Notices of Contravention	11
1.7.2 Summary Offence Tickets	13
1.8 Offences and Penalties	15
1.8.1 Prosecution Statistics	17
1.9 Occupational Health Officers	20
1.10 Contact the OHS Division	20
1.11 Reporting Incidents	21
1.11.1 Worker's Report of Injury	22
1.12 OHS Statistics from LRWS Annual Report 2021-22	22
1.13 OHS Impact of COVID-19	23
1.14 WHMIS 2015	23
1.14.1 OHS Division and WHMIS Compliance	24
1.14.2 Additional Background and Summary of WHMIS 2015	24
1.14.3 Summary of WHMIS 2015	25
1.15 Part 33, Prime Contractor within OHS Regulations	26
1.16 Radiation Health and Safety Regulations	27
1.16.1 Review of Changes to Part V (Radiation) of <i>SE Act</i>	27
1.17 Mines Regulations, 2018	28
1.17.1 Mine Safety Association	29
1.18 Other Standards & Codes of Practice	29
1.19 Resources from the OHS Division	30
1.19.1 Harassment and Violence	30

Table of Contents

1.19.2	Workplace Impairment and Cannabis	31
1.20	About WorkSafe Saskatchewan	33
1.20.1	About WorkSafe Training for Inspections and Investigations.....	33
1.21	About Federally Regulated Employers in Saskatchewan	33
Chapter 1: Key Responsibilities Under the <i>SE Act</i> and <i>OHS Regulations</i>		35
1.0	Introduction.....	35
2.0	Employer Duties	36
2.1	Duty of Certain Employers to Establish a Formal OHS Program.....	38
2.1.1	Building Your OHS Program	38
2.1.2	Required Elements of an OHS Program.....	39
2.2	Additional Employer Duties.....	40
3.0	General Duties of Supervisors	41
4.0	General Duties of Owners	42
5.0	General Duties of Contractors	42
6.0	Duties of Prime Contractors.....	43
7.0	General Duties of Officers, Directors, Managers or Agents of a Corporation	45
8.0	General Duties of Suppliers	45
9.0	General Duties of Self-Employed Persons	46
10.0	General Duties of Workers	46
11.0	General Duties and Shared Responsibility	47
Chapter 2: OHS Due Diligence for Employers		49
1.0	Introduction to Due Diligence	49
1.1	About the Due Diligence Defence	50
1.2	About Negligence.....	50
2.0	Enforcement Mechanisms Under the <i>SE Act</i>	50
2.1	Role of OHS Division: Enforcement.....	50
2.2	Compliance Undertakings and Notices of Contravention	51
2.3	Directions to Remedy Contraventions & Stop-Work Orders.....	54
2.4	Summary Offence Tickets	54
2.5	Offences	56
2.6	Penalties.....	56
2.7	Right to Appeal	58
3.0	Due Diligence as a Defence	60
3.1	Due Diligence and Foreseeability.....	61
3.1.1	Applicable Regulations.....	61
3.1.2	Hazard Assessments and Other Safe-Work Planning Techniques	61
3.1.3	Workplace Hazard Identification Systems	62
3.1.4	The Experience of Others	63
3.1.5	The Experience of the Employer	64
4.0	Due Diligence and a System to Prevent Harm from Occurring	64
4.1	Systems of Work to Ensure the Health and Safety of Workers.....	65
4.1.1	Elements of Different Safety Systems	65
4.2	Appropriate Equipment, Inspections and Maintenance	66
4.3	PPE and Other Protective Devices.....	67
4.4	Effective Training	68
4.4.1	Hiring and Training of Young or New Workers.....	69
4.5	Direction and Instruction	70

Table of Contents

4.6	Information	71
4.7	Monitoring and Correction: Helping to Ensure the OHS Program is Working	72
4.7.1	Monitoring and Correction Through Observations	73
4.7.2	Monitoring and Correction Through Reports	73
4.7.3	Monitoring and Correction Through Workplace Inspections	73
4.7.4	Monitoring and Correction Through Audits	74
5.0	The Meaning of “Reasonable” and “Practicable”	74
6.0	Review: A Due Diligence Checklist for Employers	75
6.1	Key Steps to Avoid Enforcement Actions, Penalties or Prosecution	75
6.2	Due Diligence Checklist	76
Chapter 3: Actions for Supervisors		79
1.0	Introduction	79
2.0	Reviewing Supervisor Responsibilities	79
2.1	Supervisor Training of Workers	81
3.0	Stopping Work for Immediate Safety	81
4.0	Correcting Workers for Future Safety	82
5.0	Applying Discipline as Due Diligence	82
5.1	Purpose of Discipline	82
5.2	Record of Discipline	83
5.3	Discriminatory Discipline	84
6.0	Checklist for Supervisors	85
Chapter 4: Actions for Workers		87
1.0	Introduction	87
2.0	Knowing Basic Workers’ Rights	88
3.0	Adopting Essential Safety Behaviours	88
3.1	Suggested Behaviours for Workers	89
4.0	Reporting Unsafe Conditions	90
5.0	Refusing Unsafe Work	91
6.0	Protection for Workers Against Discriminatory Action	93
7.0	Working Alone or in Isolation	94
8.0	Getting Workplace Health and Safety Information	94
8.1	Reporting an Injury	95
9.0	Knowing the Employer’s Responsibilities	96
Chapter 5: Occupational Health Committees and OHS Representatives		97
1.0	Introduction	97
1.1	When OHCs Are Required	98
1.2	When an OHS Representative Is Required	99
2.0	OHC Members	99
2.1	Fair Representation on OHC	100
3.0	Important Duties and Functions of OHCs	100
3.1	Associated Duties of Committee or Representatives	101
4.0	Learning More About OHC Roles	103
5.0	More About OHS Representatives	105
6.0	Employer Support for OHCs and OHS Representatives	105
7.0	Education and Training of OHC Members and OHS Representatives	106
8.0	Procedures for Running a Successful OHC	107

Table of Contents

9.0	Due Diligence and Immunity	108
	Chapter 6: Online OHS Resources	111
	Saskatchewan Employment Act	119
	Occupational Health and Safety Regulations, 2020	299
	Radiation Health and Safety Regulations, 2005	531
	Mines Regulations, 2018	561
	Index	705